



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: June 21, 2006

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Jennifer M. Perrin

Interim City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), regarding Association of Lodi City Employees regarding General Services and Maintenance and Operators, pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Frank Nolton, New Hope Community Church

C. Pledge of Allegiance

D. Presentations

- D-1 Awards – None
- D-2 Proclamations – None
- D-3 Presentations – None

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$5,694,955.56 (FIN)
- E-2 Approve minutes (CLK)
 - a) May 16, 2006 (Shirtsleeve Session)
 - b) May 16, 2006 (Special Meeting)
 - c) May 23, 2006 (Shirtsleeve Session)
- E-3 Report of the disposition of surplus personal property (sale of scrap metal) (EUD)
- E-4 Approve sale of surplus overhead all aluminum conductor and related material to Merced Irrigation District (EUD)
- E-5 Approve plans and specifications and authorize advertisement for bids for Well 27 improvements at 2360 West Century Boulevard (DeBenedetti Park) (PW)

- Res. E-6 Adopt resolution rejecting the sole bid for 15,000 feet of #1/0 600-volt triplex, approve revised specifications, and authorize the advertisement for bids for 20,000 feet of #1/0 600-volt triplex (EUD)
- Res. E-7 Adopt resolution awarding the contract for tree trimming (power line clearing) to Trees, Inc., of Houston, Texas (\$350,000) (EUD)
- Res. E-8 Adopt resolution authorizing the City of Lodi to contract for wireless services from Verizon Wireless under the terms of the State of California Contract for Wireless Services (Master Contract #IS-05-58-02) (ISD)
- Res. E-9 Adopt resolution approving final map and improvement agreement for the public improvements for 495 North Guild Avenue and appropriating funds for required reimbursements (\$13,150) (PW)
- E-10 Authorize the City Manager to execute amendment to encroachment permit agreement for 115 South School Street (PW)
- Res. E-11 Adopt resolution authorizing the City Manager and designee to execute and file applications for Federal assistance with the Federal Transit Administration (FTA) and all associated activities on behalf of the City of Lodi and authorizing the City Manager, City Attorney, and Transportation Manager to be assigned personal identification numbers for all required FTA Transportation Electronic Award and Management System activities (PW)
- Res. E-12 Adopt resolution authorizing transit services outside of regular service operations for the listed annual events and authorize the Transportation Manager to advertise to determine if a willing and/or able provider exists for these events (PW)
- Res. E-13 Adopt resolution authorizing the City Manager to execute an amendment to the contract with Greyhound Bus Lines, Inc. to approve receipt of commission for additional services (PW)
- Res. E-14 Adopt resolution authorizing the City Manager to execute the Direct Payment Program agreement with the State of California Department of Community Services and Development for the term of July 1, 2006 through June 30, 2009 (FIN)
- Res. E-15 Adopt resolution authorizing the City Manager to execute an amended and restated Project Agreement No. 5 for the participation in the WestTrans Open Access Same Time Information System (EUD)
- Res. E-16 Adopt resolution amending Lodi Electric Utility Department's rules to parallel the California Public Utilities Commission's rules concerning the amount of liability insurance required for small electrical generators that are interconnected with Lodi's system (EUD)
- E-17 Authorize staff to issue letter of opposition relating to AB 573 (Wolk), which would restrict the types of indemnification clauses that may be included in a public agency contract with a design or engineering professional or firm (CA)
- Res. E-18 Adopt resolution waiving fees for house fundraiser by Hutchins Street Square Foundation (COM)
- E-19 Set public hearing for July 5, 2006, to consider adoption of ordinance establishing low-income discounts for water and wastewater ratepayers (CA)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

- Res. I-1 Public hearing to consider resolutions adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2006-07, and ordering the levy and collection of assessments (PW)
- Res. I-2 *Public hearing to consider the appeal from Mohammad Dawood Khan and Rehana Khan regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN 043-170-03) (CD)
NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31
**Appeal has been withdrawn by the appellants; no action will be taken on this matter*

J. Communications

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
a) Post for two vacancies on the Greater Lodi Area Youth Commission (Student Appointees) (CLK)
- J-3 Miscellaneous
a) Monthly Protocol Account Report (CLK)

K. Regular Calendar

- Ord. K-1 Introduce ordinance enacting the Fire and Facilities Sales Tax initiative (CA)
(Introduce)
- Res. K-2 Adopt resolution implementing the treatment and direct utilization of the surface water supply from the Woodbridge Irrigation District contractual allotment and authorizing solicitation of proposals for technical studies of implementing this option (PW)
- Res. K-3 Adopt resolutions approving the 2006-07 Financial Plan and Budget and the 2006-07
Res. Appropriations Spending Limit (CM)
- Res. K-4 Adopt resolution affirming July 1 opening and October 1 closing date for filing applications for residential allocations under the Lodi Growth Management Ordinance (CA)
- K-5 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$15,561.48) (CA)

L. Ordinances – None

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Jennifer M. Perrin
Interim City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated June 06, 2006 in the Amount of \$5,694,955.56

MEETING DATE: June 21, 2006

PREPARED BY: Management Analyst

RECOMMENDED ACTION: That the City Council receive the attached Register of Claims. The disclosure of the PCE/TCE expenditures is shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$5,694,955.56 dated 6/6/2006 which includes PCE/TCE payments of \$141,628.88 and Payroll in the amount of \$1,151,866.11

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R Paiste, Interim Finance Director

RRP/kb

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable	Page	-	1
Council Report	Date	-	06/06/06
As of	Fund	Name	Amount
Thursday			

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05/18/06	00100	General Fund	729,387.49
	00160	Electric Utility Fund	36,699.19
	00161	Utility Outlay Reserve Fund	2,462.02
	00170	Waste Water Utility Fund	15,834.75
	00172	Waste Water Capital Reserve	117,149.56
	00173	IMF Wastewater Facilities	489.75
	00180	Water Utility Fund	3,711.48
	00181	Water Utility-Capital Outlay	4,363.44
	00182	IMF Water Facilities	20,133.00
	00190	Central Plume	7,265.89
	00210	Library Fund	9,383.71
	00234	Local Law Enforce Block Grant	571.79
	00235	LPD-Public Safety Prog AB 1913	2,458.61
	00270	Employee Benefits	1,683.34
	00300	General Liabilities	3,844.10
	00310	Worker's Comp Insurance	15,926.03
	00340	Comm Dev Special Rev Fund	19,699.42
	01211	Capital Outlay/General Fund	444.73
	01212	Parks & Rec Capital	257.70
	01250	Dial-a-Ride/Transportation	18,801.32
	01410	Expendable Trust	10,314.00

Sum			1,020,881.32

Total for Week			
Sum			1,020,881.32

Accounts Payable	Page	-	1
Council Report	Date	- 06/06/06	
As of	Fund	Name	Amount
Thursday			

05/25/06	00100	General Fund	493,791.46
	00160	Electric Utility Fund	2,940,897.27
	00161	Utility Outlay Reserve Fund	30,446.10
	00164	Public Benefits Fund	821.20
	00170	Waste Water Utility Fund	22,745.01
	00171	Waste Wtr Util-Capital Outlay	182.80
	00172	Waste Water Capital Reserve	1,678.17
	00180	Water Utility Fund	2,312.63
	00181	Water Utility-Capital Outlay	11,672.00
	00210	Library Fund	10,525.64
	00270	Employee Benefits	6,358.66
	00340	Comm Dev Special Rev Fund	8,530.08
	01211	Capital Outlay/General Fund	5,089.48
	01250	Dial-a-Ride/Transportation	4,618.10
	01410	Expendable Trust	20,036.58

Sum			3,559,705.18
	00183	Water PCE-TCE	141,628.88

Sum			141,628.88
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Total for Week

Sum			3,701,334.06
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Accounts Payable	Page	-	1
Council Report	Date	- 06/06/06	
As of	Fund	Name	Amount
Thursday			

06/01/06	00100	General Fund	639,722.72
	00160	Electric Utility Fund	7,831.67
	00161	Utility Outlay Reserve Fund	16,695.55
	00164	Public Benefits Fund	3,453.28
	00170	Waste Water Utility Fund	12,070.07
	00171	Waste Wtr Util-Capital Outlay	17,497.50
	00172	Waste Water Capital Reserve	5,898.93
	00180	Water Utility Fund	5,091.78
	00181	Water Utility-Capital Outlay	6,248.64
	00184	Water PCE-TCE-Settlements	29,317.70
	00190	Central Plume	22,081.02
	00210	Library Fund	3,853.50
	00270	Employee Benefits	14,885.09
	00300	General Liabilities	763.40
	00325	Measure K Funds	46,834.39
	00327	IMF(Local) Streets Facilities	924.00
	00335	State-Streets	12,100.00
	00340	Comm Dev Special Rev Fund	9,059.95
	01250	Dial-a-Ride/Transportation	1,534.35
	01410	Expendable Trust	116,876.64

Sum			972,740.18
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Total for Week

Sum			972,740.18
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Date - 06/06/06

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	05/21/06	00100	General Fund	816,828.40
		00160	Electric Utility Fund	144,234.02
		00164	Public Benefits Fund	5,023.94
		00170	Waste Water Utility Fund	71,174.92
		00180	Water Utility Fund	9,552.94
		00210	Library Fund	32,255.43
		00235	LPD-Public Safety Prog AB 1913	222.66
		00340	Comm Dev Special Rev Fund	37,912.74
		01250	Dial-a-Ride/Transportation	2,852.17
Pay Period Total:				
Sum				1,120,057.22
Retiree	06/30/06	00100	General Fund	31,808.89
Pay Period Total:				
Sum				31,808.89



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) May 16, 2006 (Shirtsleeve Session)
b) May 16, 2006 (Special Meeting)
c) May 23, 2006 (Shirtsleeve Session)

MEETING DATE: June 21, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:
a) May 16, 2006 (Shirtsleeve Session)
b) May 16, 2006 (Special Meeting)
c) May 23, 2006 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibit A through C.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Jennifer M. Perrin
Interim City Clerk

JMP
Attachments

APPROVED: _____
Blair King, City Manager

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 16, 2006**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, May 16, 2006, commencing at 7:04 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock
Absent: Council Members – Mounce
Also Present: City Manager King, City Attorney Schwabauer, and Deputy City Clerk Perrin

B. TOPIC(S)

- B-1 "Receive presentation on an option to close the gap between revenue and expenses resulting from new annexations and residential development and report prepared by the consulting firm of Economic & Planning Systems (EPS)"

City Manager King stated that this presentation is on the concept of a Community Facilities District (CFD) for maintenance related to cost of new development. This is a technique that cities are using to close the gap that exists between the taxes that are generated in new development and the cost to provide services. This does not apply to commercial or retail development; only to new residential development.

Community Development Director, Randy Hatch, reported that there are three types of costs associated with new residential development for the City: 1) one-time costs for processing (i.e. environmental documents, review of permits, annexations, etc.); 2) one-time costs for City services for capital projects (i.e. extension of and capacity to treat sewer and water, drainage, roads, fire stations, etc.); and 3) on-going costs for fire personnel to staff the new fire station, police officers to patrol the new residential area, and park maintenance workers to maintain the new neighborhood park and median landscaping, as well as the additional patrons for cultural and recreational activities, library services, etc. Council recently approved the update to application fees and charges to address costs associated to process development, and the capital costs are now on a regularly updating schedule. The on-going costs for operation are more problematic to recapture. In the past, those costs have been provided by property taxes, but over the last several decades, that mechanism has undergone significant change and has become a challenge for cities. Lighting and landscaping districts have been utilized as a way to deal with maintenance of the parks, streetlights, and median strips; however, it only provides for lighting and landscaping and not for new firefighters, police officers, roads, and maintenance workers. CFDs were derived from the Mello-Roos Community Facility Act of 1982, which is mainly used to cover capital costs, but it also allows for on-going maintenance costs. The goal is for new residential development to pay its fair share and not receive a subsidy from other sectors of the city. California communities are dealing with Proposition 13 and the Educational Revenue Augmentation Fund (ERAF) shift, as well as master tax sharing agreements with the county. Master tax sharing agreements set forth how much of the property tax stays within the county and how much goes into the city for newly annexed areas. The City retained the services of the consulting firm, Economic and Planning Systems (EPS), which specializes in revenue and expense studies.

Russ Powell, Vice President of EPS, presented its analysis on the fiscal impact of new growth in Lodi (filed). The purpose of the analysis was to look at the specific impacts on City services, particularly on general fund supported services, as well as street maintenance, in order to plan for long-term fiscal stability. Annexations of new development have an initial impact on services as the property tax increases; however, long-term analyses show that this base is not strong enough to support the level of services.

The fiscal analysis input included the land use plans for the Reynolds Ranch, Southwest-Gateway, and Westside annexations, and the budget input was Lodi's adopted budget for fiscal year 2005-06. EPS quantified the general fund and street fund revenues into a per capita (or per person served) basis for projecting what the costs and revenue sources might be for new development. Per capita considers those services that primarily serve only the residents of the city; per person served also analyzes the employee population of the city. Revenues that were analyzed included property and sales taxes and the Vehicle License Fee transfer tax. The methodology looked at the projection of trends long term by using either the estimation of per capita service level cost or revenue generation by each of these categories. In some instances, it is necessary to perform a separate analysis of a service area, and EPS looked at park maintenance to determine if the current per capita derivation from the budget is truly funding park maintenance at this level, and it was determined that it was not. In analyzing the revenues and expenditures, EPS backed out the revenues for services to determine the true cost per unit that is attributable to the sales tax base. The analysis also looked at current trends in the source or stability of each financing mechanism and evaluated ERAF to ensure the analysis accounted for any shifts of revenue that are destined for sources other than the City. In Lodi's master tax sharing agreement with the County, it is estimated that 7.5% of the property tax will come from new annexation areas. The bottom line is a \$381 per dwelling unit shortfall once these areas are annexed into the City and built out. The alternative methodology would be to look at the expected absorption of all of those units over a period of time, which shows an eroding tax base.

In response to Council Member Hansen regarding the time period for the master tax sharing agreement, Mr. King stated that he was unsure if there was an automatic sunset on the agreement but anticipated that it would carry forward until it was renegotiated. Tax sharing agreements can be unilaterally canceled by either party. A city is typically not going to cancel since an agreement must be in place in order to annex property; therefore, the county has the stronger hand in negotiations. Additionally, there is a county facilities impact fee that is imposed upon developers to pay for the capital costs of new county facilities.

Council Member Hansen expressed concern that the City ought to have a contingency plan should the County change its formula with the tax sharing agreement or the State does not live up to its obligation regarding the ERAF shift, as this would alter the data in the analysis performed by EPS.

Mr. King stated that one of the reasons municipal entities are considering CFDs is that it is a locally controlled tax. Once it is imposed, it is not subject to an ERAF shift and it cannot be taken away by other entities. Other than an inflation index, the tax typically does not change. The development applicant controls the property, as the property owner, with voting rights to impose the tax. Prior to the sale of the property, the developer discloses the annual tax; once the homebuyer owns the property, it then becomes more difficult to change the tax.

Mr. Powell stated that there are a number of factors included in the analysis and any change would shift the numbers, which is why many municipalities revisit the analysis periodically as new developments come in to see if it still stands or if it needs to change.

The analysis considered only the residential shortfall; however, when considering the commercial components to the proposed annexation areas, the difference drops to \$280 per unit. This may lead to a policy decision on how to handle the non-residential component and whether or not to impose a special tax or assessment for retail services. Another component that was not considered, but should be evaluated as a separate case study, was that new annexation areas have a higher level of landscaping amenities along the major roads. It was estimated that this would add an additional \$100 per unit to maintain.

Mayor Hitchcock questioned if the City would implement both a CFD and a lighting and landscaping district, or if it would be included as one, to which Mr. King responded that this would be a policy decision for the Council to make; however, he recommended having one for simplicity and ease of administration.

Council Member Beckman stated that a lighting and landscaping district is a direct benefit to the residents that live there; however, a CFD tax is passed onto a specific class of citizen that is not realizing a direct benefit, since this is an additional tax for police, fire, and other services for which no one else is paying.

Mr. King responded that the CFD is a benefit to both new and existing residents because, without it, the service levels would deteriorate.

Mayor Hitchcock added that, whatever the mechanism, the need to increase police and fire services would not exist if it were not for new residents and, therefore, it is a direct benefit.

City Attorney Schwabauer commented that the City's master tax sharing agreement with the County provides Lodi with 6 to 7 cents on the dollar of new property taxes; whereas, existing homes pay 17 cents.

Council Member Beckman countered that there is a wide variation in percentages that the City receives from property taxes, to which Deputy City Manager Krueger responded that there are areas that were not subject to the property tax sharing agreement, and the variance has to do with whether the properties have been annexed or not.

Council Member Hansen stated that, if cities want to grow, there needs to be a system in place to close the gap and the responsibility is on policymakers to find ways to keep cities vibrant and financially healthy. Implementing a CFD would provide a greater chance for new homes to be built and would address growth. There are communities that have had exponential growth and they outgrew their ability to provide services; now they do not have enough parks, fire stations, or recreational programs because of the inability to provide funding.

Mr. Powell reviewed the base assumptions EPS used to calculate persons served, land uses, and other data such as the cost of a typical house in each zoning category and what amount of tax will be generated. The numbers were input into the model to derive the estimated primary tax revenue sources. EPS estimated that there are 40 commercial acres proposed for the area; however, it only reduced the shortfall by \$100. It was estimated that 20% of sales tax from new residents would stay in the City; the remainder would be spent elsewhere.

Some municipalities have dealt with the gap by collecting a one-time impact fee at the time a building permit is issued; however, this only funds services for a finite period of time. Until there are changes at the state level, there will be a continual drain of revenues from cities and, if left unaddressed, a continual reduction in the amount of services a city can provide. As new areas are annexed, the City will receive an increasingly smaller portion of the tax dollar.

In response to Mayor Hitchcock, Mr. Powell stated that Lodi's percentage of the master tax sharing agreement is on the high side, and many jurisdictions receive less. He believed that Lodi would not be successful in negotiating a higher share as the County is in a worse position than the City.

Mr. Hatch added that municipalities can update and recalculate the study and add additional CFD districts (with a different tax amount) to address changes in city revenues and expenditures, as well as changes in the demand for services for new residents.

Mayor Hitchcock stated that she would prefer a fee with a built-in escalator so that all districts are paying the same amount.

In response to Mayor Hitchcock, Council Member Beckman stated that there are alternatives to consider, one of which is the development agreement process that can bring in revenue in a more equitable manner. Mayor Hitchcock countered that development agreements are a one-time fee.

PUBLIC COMMENTS:

- Myrna Wetzel questioned if money from developments could be put into a fund to gain interest to pay for future needs.

Mayor Hitchcock responded that the one-time fee, which has been done in the past for lighting and landscaping districts, is insufficient and it is a matter of predicting what the future costs will be for the next 50 to 100 years.

Mr. King stated that staff will continue to discuss this matter with the development community and return to Council with a rate method of apportionment and the necessary documentation to implement the process.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:17 a.m.

ATTEST:

Jennifer M. Perrin
Deputy City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 16, 2006**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of May 16, 2006, was called to order by Mayor Hitchcock at 8:17 a.m.

Present: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Absent: Council Members – Mounce

Also Present: City Manager King, City Attorney Schwabauer, and Deputy City Clerk Perrin

B. CLOSED SESSION

At 8:17 a.m., Mayor Hitchcock adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

B-1 Actual Litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.; Superior Court, County of San Francisco, Case No. 323658

The Closed Session adjourned at 8:30 a.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 8:30 a.m., Mayor Hitchcock reconvened the Special City Council meeting, and City Attorney Schwabauer disclosed that the City Council provided direction to staff to waive jury trial on the question of whether or not releases at issue in the Hartford case were sudden and accidental and to proceed to trial on this issue before a judge.

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:30 a.m.

ATTEST:

Jennifer M. Perrin
Deputy City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 23, 2006**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, May 23, 2006, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hansen, Johnson, Mounce (arrived at 7:04 a.m.),
and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and Deputy City Clerk Perrin

B. TOPIC(S)

B-1 "Utilities quarterly update"

Electric Utility Director, George Morrow, reported that, since the last quarterly update, two issues have changed the financial condition of the Electric Utility: revenues were lower than anticipated and expenses were higher. In looking at the third quarter (i.e. the end of March 2006), sales revenues were down to \$1.6 million and power costs were up to \$1.6 million. When staff met with the rating agencies, the projection was a \$3.2 million cash balance at year end; however, with these two negative impacts, the cash balance will be \$1.7 million, or \$1.5 million less than anticipated.

In response to Council Member Hansen, Mr. Morrow stated that sales revenue projections were less due mainly to a decrease of \$1.2 million for the period of September to November 2005. The decrease may be attributable to the weather, which was cooler and not as conducive to sales. Additionally, there was much discussion and media attention on the condition of the Utility and the possibility of large rate increases. It is likely that residents conserved their energy as they may have felt the City was in a critical situation. Although conservation and efficiency are desired, it does play a factor in the financial forecast and condition of the Utility.

In response to Council Member Beckman, Mr. Morrow confirmed that Lodi's rate structure is designed with a lower rate for baseline usage and that energy consumed above that baseline is charged at a higher rate. If more citizens conserve and do not progress into the higher tier, it can have an impact on the Utility's budget.

Council Member Hansen stated that Lodi is serious about energy efficiency and it should be factored into the projections and overall management of the Utility.

Mr. Morrow agreed that it may be necessary to adjust the per unit charges so that customers pay more per kilowatt hour, yet their total bill would be lower.

Mayor Hitchcock stated that the City needs a larger reserve in order to manage these types of fluctuations.

Mr. Morrow reported that there was an increase in power supply costs and in payments to the Northern California Power Agency (NCPA). There was a \$1.4 million increase to the City in charges related to the California Independent System Operator (CAISO), which is a regional transmission organization responsible for management of the electric grid of the transmission system and for ensuring that those who bring transmission to the grid recover their costs. Most of the transmission in California is investor-owned utilities who are able to input their costs into the CAISO, which is then passed onto the users of the system. Municipal utilities are large users of the system and pay a proportionate share of the costs. Staff, in conjunction with NCPA, is working with CAISO in getting its cost structure more

manageable, as there are additional costs anticipated in the future. NCPA's budget this year for CAISO-related costs was \$22 million; next year it will increase to over \$40 million. The CAISO has an independent board that is regulated by the Federal Energy Regulatory Commission (FERC) in Washington DC, and it does not respond well to the users in California.

Mayor Pro Tempore Johnson questioned how CAISO can justify these significant increases, to which Mr. Morrow replied that there has been a substantial amount of new transmission built in California, for which the per unit cost is quite expensive. The rate of returns has increased as interest rates or the cost of money has gone up, and the allowable rate of profit for investor-owned utilities has increased. Additionally, the CAISO has assumed more functions and is broadening its reach beyond raw transmission. It is looking at reliability in the state and, at some point, will manage power plants. Because of these reasons, its administrative costs have increased significantly. Utilities and NCPA are very concerned and are utilizing all regulatory forums, particularly at FERC, to address the issue.

Council Member Hansen added that this has been a continuous battle and utilities are caught between FERC and CAISO, as neither will take responsibility. The CAISO volunteer board relies solely on its staff regarding input from municipal utilities.

Mr. Morrow stated that FERC prefers ISOs and tends to favor costs, goals, and plans submitted for approval by ISOs. City staff recently met with members of FERC in Washington DC to complain that municipal utilities are not being included in the process.

The \$7 million negative net income for Electric Utility will be made up using reserves, as well as the general operating reserves (GOR) at NCPA. With the aid of an overhead presentation (filed), Mr. Morrow reviewed the revenue and expense projections. Projected capital expenses and budgeted expenses are accounted for separately to track the general operating expenses for capital items, as well as the bond revenues. The capital costs are projected to be \$1.5 million and "other" costs are \$9.1 million, for a total of \$10.6 million.

The GOR is the amount of money Lodi has in an NCPA account that holds the excess of what the City is billed for on a monthly basis. It tends to increase by \$75,000 to \$100,000 per month. At the start of the year, the balance of the GOR was \$266,000, and it increased to \$2.7 million at the end of this quarter. Much of that growth was due to a large settlement in a Pacific Gas & Electric case, which increased the reserve by \$1.8 million. Staff intends to use most of the GOR to assist in the Utility's liquidity.

In response to Council Member Hansen, Mr. Morrow explained that NCPA submits an estimated bill to the City on an advanced basis, the City makes the payment to NCPA, and when the actual expenses are realized, any difference is placed into this account. NCPA's financial advisors are looking into the amount of reserves that members keep in the GOR so that utilities can survive fluctuations due to volatility in the power market. NCPA is not concerned with where the reserves are housed, but that there are enough reserves on hand.

Mr. Morrow reported that the Utility has closed its open position for next year. The last large purchase was on May 10, which resulted in a closed position of 95%. This provides a cushion if the loads are not as high as projected or if the market declines dramatically. It is anticipated that next year's budget will be balanced; although, it will leave little contribution to reserves. Lodi's percentage of the CAISO costs has been built into next year's budget, and NCPA's budget projections have decreased for next year. Staff anticipates a reduction in power supply costs and has analyzed the sales per kilowatt hour and by customer class to arrive at a more accurate, realistic number. The decreases in revenue will match the decrease in power supply costs. Additionally, the capital costs will be rolled into the rates this year to cover general capital projects that are accomplished during the normal course of business.

In response to Mayor Hitchcock, Mr. Morrow stated that there is \$11 million remaining in the Certificates of Participation fund, and Electric Utility anticipates using \$3.5 million for the Killelea Substation revitalization, \$500,000 on other large capital projects, and \$1.5 million to be transferred this fiscal year.

In response to Council Member Hansen, Mr. Morrow reported on the status of the Resource 500 project and the Lodi combined cycle project at White Slough. Calpine has a list of preferred projects that it wants to divest itself of; however, it no longer wants to sell the Resource 500 project because it is a great asset with a good operating history and efficiency. Much of the ground work has been completed on this so that an offer can be made should it become available. On the White Slough project, changes in the industry have split the NCPA members. Some are in the SMUD Western Area Power Administration sub-control area and others, including Lodi, are in the CAISO area. This plant would be in the CAISO control area, and some members do not want to participate if that is the case. Staff has also researched other base load type projects, such as coal fired energy; however, California regulations make it difficult for utilities to be involved in any type of energy that might have carbon dioxide emissions. Utilities need a base load resource that is inexpensive to operate, because it runs thousands of hours a year. In California, the base load plants tend to be natural gas fired plants that are combined cycle; however, it is subject to extreme volatility in natural gas prices. Lodi has no base load type resource that it can run 8,760 hours a year. The Resource 500 or the project at White Slough could fill that need, but it too would be subject to the price of gas.

In answer to Mayor Hitchcock regarding global warming, Mr. Morrow stated that power plants accepted by the environmental community are those with Integrated Gasification Combined Cycle technology, which burns coal directly instead of pulverizing it. The process burns coal, turns it into a gas, and the gas is then consumed. In the conversion process, carbon dioxide is captured, sequestered, and put into the ground in caves.

City Manager King informed Council that staff would be contacting the rating agencies to advise them of Lodi's year end cash position. The rating agencies had previously conveyed that Lodi's communication regarding its financial condition had not been adequate, and the City is now taking a proactive approach. There is the possibility that it may be a good hydroelectric year due to the abundance of water and that inexpensive power may be available later in the year; however, staff stands behind its action to secure power and lock up the power costs. The fiscal year 2006-07 budget will be balanced, without the use of reserves. There will be a small cash reserve margin, but it will not be a large enough cushion to protect against any unexpected events.

Mayor Pro Tempore Johnson questioned whether or not the City could trade or sell its higher priced power if it ended up having an abundance, to which Mr. Morrow responded in the negative.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 7:56 a.m.

ATTEST:

Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Report of the Disposition of Surplus Personal Property (Sale of Scrap Metal)
MEETING DATE: June 21, 2006
PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Information only. This report is made to the City Council in accordance with Lodi Municipal Code §2.12.120.

BACKGROUND INFORMATION: On January 4, 2006 the City Council authorized the sale of scrap wire and metal that would accumulate in the course of normal utility operations during 2006.

In the first sale of the year, the Purchasing Division issued Requests for Bids for the following amounts of scrap wire:

Bare and Insulated Aluminum	4,012 lbs.
Insulated Copper	2,976 lbs.
Insulated Al/Concentric Copper	2,789 lbs.

Bid forms were sent to six scrap metal dealers; only one responded prior to the bid submittal deadline of May 26, 2006:

Sunshine Steel Ent., Sacramento	\$8,033.26
B & G Machinery, Lodi	No response
Simsmetal, Stockton	No response
Delta Scrap Metals, Stockton	No response
Stockton Recycling Center	No response
J & M Recycling, Sacramento	No response

The sale was completed on June 9, 2006.

FISCAL IMPACT: Revenue generated: \$8,033.26.

FUNDING: No funding required.
 Account Credited: 1601.5391

 George F. Morrow, Electric Utility Director

Prepared by Joel Harris, Purchasing Officer
 cc: EUD Engineering and Operations

APPROVED: _____
 Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve the sale of surplus overhead all aluminum (AA) conductor and related material to Merced Irrigation District

MEETING DATE: June 21, 2006

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council approve the sale of surplus overhead all aluminum (AA) conductor (715 and 954 kcmil sizes) and related material to Merced Irrigation District (Merced).

BACKGROUND INFORMATION: The overhead AA conductor and related material were originally purchased in 1998 for two electric utility capital projects, neither of which have been constructed. The two projects were the construction of a 12 KV distribution circuit to Woodbridge Irrigation District and the construction of a 60 KV transmission line to the west (White Slough). These projects were discontinued and there are no plans of constructing them in the immediate future. Additionally, the Electric Utility Department (EUD) does not expect to have other needs to utilize the material in the foreseeable future. (Note: EUD is retaining some 954 kcmil wire in inventory for planned local sub-transmission use.)

On May 3, 2006, the City Council authorized advertisement for bids for the sale of these surplus materials. A single bid was received from Merced offering a lump sum of \$302,478 for the materials listed in Exhibit A. A 7.75% sales tax will be assessed for a total cost of \$325,940.05. Full payment of this purchase price shall be made no later than June 28, 2006.

The sale of the surplus materials will provide EUD additional revenue in this fiscal year and is therefore recommended for approval.

FISCAL IMPACT: Revenue generated: \$302,478.00

FUNDING: Account Credited: 1601.5391

Ruby Paiste, Interim Finance Director

George F. Morrow, Electric Utility Director

Prepared By:
GFM/DB/ke
Attachment

Demy Bucaneg, Jr. –P.E., Sr. Power Engineer

APPROVED: _____

Blair King, City Manager

SURPLUS CONDUCTOR AND MATERIAL
RECOMMENDED FOR DISPOSAL
MAY 3, 2006

Inventory Number	Description	QUANTITY	Unit Cost	Total Cost
118-0075	715.5 kcmil AA CONDUCTOR	179,855'	0.80	143,884.00
118-0516	715.5 kcmil DEAD END SHOE	112	21.92	2,455.04
118-2055	715.5 kcmil TENSION SLEEVE	64	19.34	1,237.76
118-2072	715.5 kcmil JUMPER SLEEVE	35	13.67	478.45
118-5045	15KV POST INSULATOR	713	17.89	127,55.57
118-7317	715.5 kcmil PREFORMED TIE	749	5.78	4,329.22
118-7324	715.5 kcmil PREFORMED SIDE TIE	48	4.85	232.80
218-0095	954 kcmil AA CONDUCTOR	99,120'	1.04	103,084.80
218-7232	954 kcmil LINE GUARD	450	12.84	5,778.00
218-8634	954 kcmil SADDLE CLAMP TSC-200	350	6.17	2,159.50
	115 kV kcmil POST INSULATOR	108	261.23	28,212.84
	HORIZONTAL CLAMP ADAPTER	77	27.04	2,082.08
	HORIZONTAL MOUNTING BASE	77	43.38	3,340.26
	POLE TOP BRACKET	31	121.21	3,757.51
	954 kcmil SADDLE CLAMP ACTS-150	108	5.59	603.72
	115 kV SWITCH W-TRI	1	5006.28	5,006.28
	115 kV SWITCH W-3D	1	4610.68	4610.68
	VERTICAL CLAMP ADAPTER	31	30.96	959.76
	SPADE TERMINAL (SWITCH)	12	65.33	783.96
Total				325,752.23



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for Well 27 Improvements at 2360 West Century Boulevard (DeBenedetti Park)

MEETING DATE: June 21, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve the plans and specifications for the above project and authorize advertisement for bids.

BACKGROUND INFORMATION: This project consists of constructing a water well at the future DeBenedetti Park, 2360 West Century Boulevard (site plan attached).

The first phase of this project is well drilling and development that will determine the optimal yield of the well. The second phase is for the pump and motor installation which depends on the results of the well development phase. Remaining phases will be for site development which includes the piping, controls, and interim enclosure around the well site.

Location of the well is consistent with the Water Master Plan, the General Plan, and the Housing Element. The environmental impacts of constructing the well have been addressed in the 2005 Housing Element Update Environmental Impact Report, and a categorical exemption has been filed with the State for this project.

FISCAL IMPACT: There will be additional maintenance costs associated with a new water production well.

FUNDING AVAILABLE: The money for this project will be coming from Water Impact Mitigation Fees. A request for appropriation of funds will be made at contract award.

Project Estimate: \$240,000
Budgeted: 05/06 Fiscal Year
Planned Bid Opening Date: July 26, 2006

Richard C. Prima, Jr.
Public Works Director

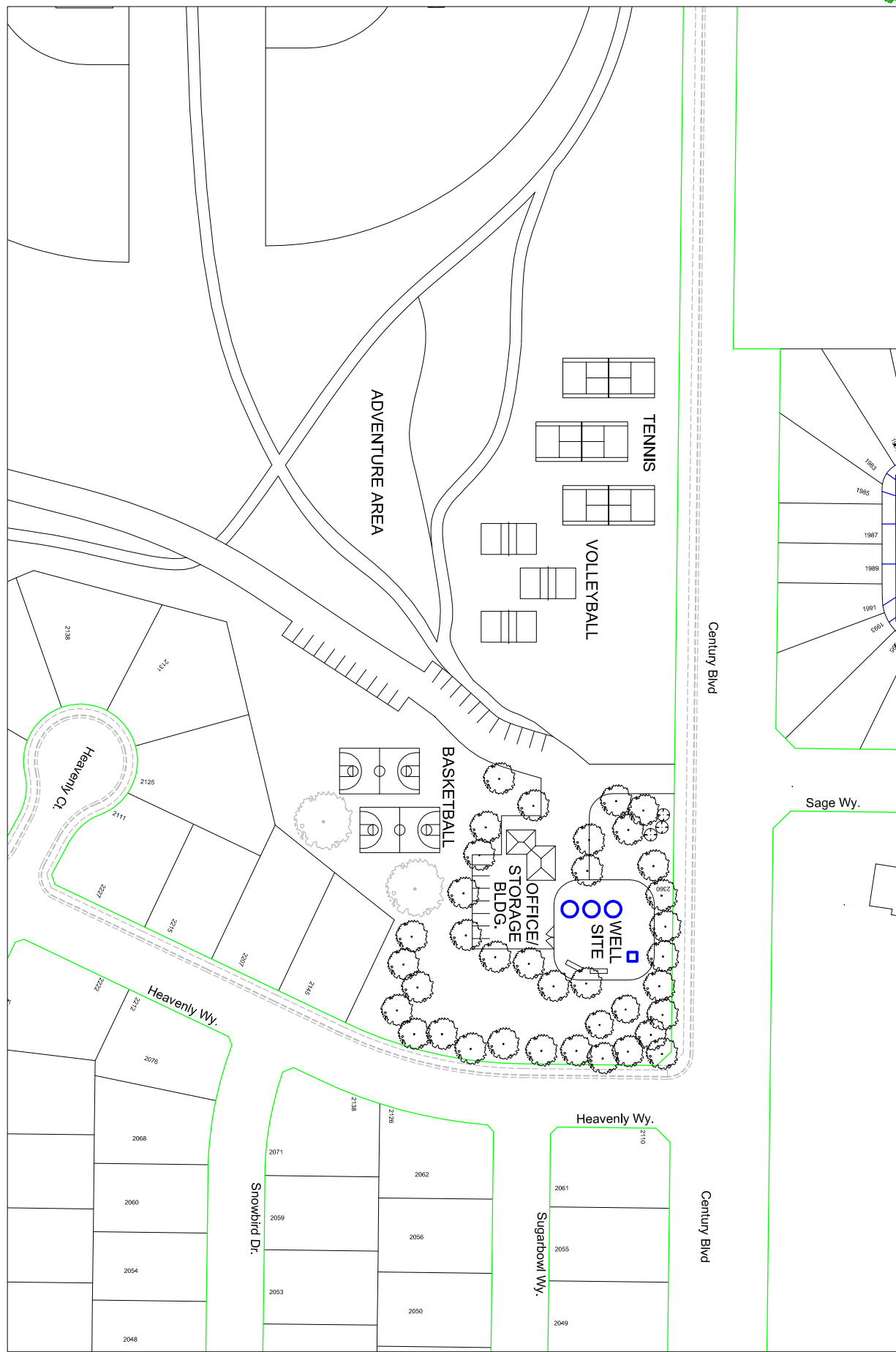
Prepared by Mark Lindseth, Associate Civil Engineer

RCP/LC/pmf

Attachment

cc: Electric Utility Director
Assistant Water/Wastewater Superintendent
Finance Director
Associate Civil Engineer Lindseth

APPROVED: _____
Blair King, City Manager



02X009

DEBENEDETTI PARK
PRELIMINARY
WELL SITE LAYOUT

CITY OF LODI
PUBLIC WORKS DEPARTMENT
221 WEST JUNE STREET
LODI, CALIFORNIA 95240
PHONE (209) 334-6706
FAX (209) 334-6710
E-MAIL: publicworks@cityoflo.org
WEB SITE: www.cityoflo.org



HORIZONTAL SCALE		DESIGN		OWNER	
1" = 40'		ML		KG & SN	
VERTICAL SCALE		CHECKED		DATE	
NONE		N/A			
ASUILT		APPROVED		DATE	
INSPECTOR BY: N/A		N/A			
PROJECT NUMBER					
M/G		CITY ENGINEER			

NO.	REVISION	DATE	BY

0 1/2 1

02X009



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution rejecting the sole bid for 15,000 feet of #1/0 600-volt triplex, approve revised specifications, and authorize the advertisement for bids for 20,000 feet of #1/0 600V triplex (EUD)

MEETING DATE: June 21, 2006

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution rejecting the sole bid for 15,000 feet of #1/0 600V triplex, submitted by G E Supply Co. of North Highlands, California. It is further recommended that the City Council approve revised specifications, and authorize the advertisement for bids for 20,000 feet of #1/0 600V underground triplex using the revised specifications.

BACKGROUND INFORMATION: On April 5, 2006, the City Council approved specifications and authorized advertisement for bids for 15,000 feet of this conductor.

One bid was received, and opened on June 6, 2006. The sole bidder, G E Supply Company of North Highlands (\$27,880.31) took exception to several specifications, including one that requires the manufacturer to test the cable in accordance with industry standards, and to replace any defective cable. G E Supply also required that an order for the conductor be placed by Tuesday, June 20.

Staff contacted other potential bidders to determine why they hadn't submitted proposals; three reasons emerged. Respondents indicated that our requested quantity of 15,000 feet was below the minimum amount most manufacturers will schedule for production; that the type of #1/0 conductor we specified ("full neutral") was no longer considered a common type, and because of the volatility in the metals markets bidders were reluctant to bid the fixed price that we require.

Therefore, in addition to recommending rejection of the sole bid, staff also recommends the approval of specifications revising the type of #1/0 600V triplex from "full neutral" to the more common "reduced neutral", and authorize the advertisement for bids for 20,000 feet of #1/0 600V reduced-neutral triplex.

Delivery of this conductor is expected in early 2007, and is projected to cover calendar year 2007 requirements.

FISCAL IMPACT: Estimated cost of this purchase: \$33,000
Material costs recovered by future sales of electrical power.

FUNDING: Electric Utility Department 2006-2007 Financial Plan and Budget,
Line Extensions, Business Unit 161651

Ruby Paiste, Interim Finance Director

George F. Morrow, Electric Utility Director

Prepared by Joel Harris, Purchasing Officer
cc: Manager, EUD Engineering and Operations

APPROVED: _____
Blair King, City Manager

**City of Lodi
Equipment Specifications**

600-VOLT XLPE TRIPLEX CABLE

1.0 GENERAL

Cable furnished under these specifications shall be limited to cross-linked polyethylene insulated cable rated 600 volts and suitable for installation in ducts or for direct burial in earth, in wet or dry locations, with normal conductor temperatures up to 90 degrees C. Cables furnished shall meet the requirements of the applicable NEMA, ICEA, AEIC, and ASTM standards, latest edition thereof, unless otherwise noted in this specification.

2.0 CONDUCTOR

The conductor shall be aluminum alloy, EC Grade, ½ to ¾ hard, Class B stranding.

3.0 INSULATION

Phase conductor insulation shall be single-pass, black, cross-linked polyethylene. The neutral conductor shall have yellow XLPE insulation or black XLPE insulation with yellow extruded stripes.

4.0 ASSEMBLY

The assembled cable shall consist of phase and neutral conductors twisted together with a lay not less than 50 nor more than 60 times the outside diameter of one of the phase conductors. All cable ends shall be sealed to prevent the entrance of moisture.

5.0 IDENTIFICATION

Each conductor shall have a permanent marking showing the manufacturer's name, voltage rating, conductor size and type of insulation. Additionally, one leg of the triplex shall be marked with sequential footage marks at least every two feet.

6.0 TESTING AND GUARANTEE

Testing of cable shall be performed according to procedures set forth by the ICEA, AEIC and ASTM. Certified copies of Pass/Fail test results shall be supplied to the City at the time of shipment. Any cable found defective either upon inspection, testing or installation will be returned at the manufacturer's expense.

7.0 SPECIFIC REQUIREMENTS

Any conditional bids such as "Subject to Availability in Stock" will be rejected as non-responsive.

8.0 SHIPPING

Both cable ends shall be adequately sealed with a water-seal type material and plastic end caps secured to prevent the penetration of moisture. There shall be no moisture in the stranded conductor of the cable when reel is shipped. All shipments shall be prepaid, FOB delivered to the City of Lodi, Lodi, CA. Reels shall be shipped upright.

9.0 REELS

9.1 MAKEUP

The specified conductor shall be supplied on NEMA standard wood non-returnable reels and in accordance with Table 1 as shown below. Bottom and top cable ends shall be properly secured to the reel.

TABLE 1

CONDUCTOR SIZE PHASE (NEUTRAL)	CODE WORD	MATERIAL	NEMA STANDARD REEL CODE No.
#2 (#2) AWG	Ramapo / YES	Aluminum	3624
#1/0 (#2) AWG	Brenau / YES	Aluminum	3624
350kcmil (#4/0)	Wesleyan / YES	Aluminum	5432 or 7236

9.2 PACKAGING

Each reel shall have adequate protective wrap covering the conductor, such covering to consist of non-wood (plastic or equivalent) reel wrap. Care should be taken in handling the reels to assure no damage is done to conductor or wrapping.

9.3 MARKING

Each reel shall be marked with a durable weather-resistant label securely attached to a flange of the reel and plainly marked stating the destination, the purchaser's order number, date of production, the shipping length of cable on reel, type and size of conductors, insulation type and thickness, voltage rating and manufacturer's identification number, and tare weight of the reel.

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL REJECTING THE SOLE BID
FOR 15,000 FEET OF #1/0 600-VOLT TRIPLEX, AND FURTHER APPROVING
REVISED SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS
FOR 20,000 FEET OF #1/0 600V TRIPLEX

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on June 6, 2006, at 11:00 a.m., for the purchase of 15,000 feet of #1/0 600-volt Triplex, described in the specifications therefore approved by the City Council on April 5, 2006; and

WHEREAS, the sole bid received and opened on June 6, 2006 from G E Supply Company took exception to several specifications, including one that requires the manufacturer to test the cable in accordance with industry standards, and to replace any defective cable; and

WHEREAS, staff contacted other potential bidders to determine why proposals were not submitted, and found the following reasons:

- 1) The requested quantity of 15,000 feet was below the minimum amount most manufacturers will schedule for production; and
- 2) That the Type #1/0 Conductor the City specified ("full neutral") was no longer considered a common type; and
- 3) That because of the volatility in the metals markets bidders were reluctant to bid the fixed price that the City requires.

WHEREAS, in addition to recommending rejection of the sole bid, staff further recommends the approval of specifications revising the type of #1/0 600V triplex from "full neutral" to the more common "reduced neutral", and authorize the advertisement for bids for 20,000 feet of #1/0 600V reduced-neutral triplex.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby rejects the sole bid from G. E. Supply Co., of North Highlands for failure to meet bid requirements; and

BE IT FURTHER RESOLVED, that the City Council further approves the specifications revising the type of #1/0 600V triplex from "full neutral" to the more common "reduced neutral", and authorizes advertisement for bids for 20,000 feet of #1/0 600V reduced-neutral triplex.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution awarding the contract for tree trimming (Power Line Clearing) to Trees, Inc. of Houston, Texas (\$350,000) (EUD)

MEETING DATE: June 21, 2006

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution awarding a contract for power line tree trimming to Trees, Inc. of Houston, Texas at an evaluated cost of \$172.93 per hour.

BACKGROUND INFORMATION: The Electric Utility Department (EUD) has utilized a tree trimming contractor for its line clearing requirements since November 1988. The current contract is due to expire on June 30, 2006. The proposed tree trimming program covers the period of July 1, 2006 to June 30, 2007 with the option for up to two additional one-year extensions, at the City's sole discretion, covering fiscal years 2007-08 and 2008-09. The contract would provide the City with a three-person Backyard Crew and a two-person Street Crew, including vehicles, equipment and other expenses for two crews. This is a reduction of one Backyard Crew from current contracting levels. The proposed level of activity, however, is believed to be sufficient to maintain the 130+ circuit miles of overhead transmission and distribution lines clear of growth on a three-year cycle. The possible need to add another Backyard Crew will be evaluated prior to any annual extension.

To maintain continuity of the power line clearing program, a new contract was advertised and opened. Bid proposals were received from three contractors on May 24, 2006 with the following results.

Bidder	Backyard Crew	Street Crew	Combined Hourly
Trees, Inc. Houston, TX	\$95.89 per hour	\$77.04 per hour	\$172.93 per hour
Asplundh Tree Expert Co. Stockton, CA	\$103.69 per hour	\$82.95 per hour	\$186.64 per hour
West Coast Arborists, Inc. Anaheim, CA	\$198 per hour	\$132 per hour	\$330 per hour

Staff recommends awarding the tree trimming contract to Tree's Inc. of Houston, Texas -- EUD's existing tree trimming contractor. Trees, Inc submitted the lowest bid proposal for tree trimming for FY 2006-07 with approximately 3.4% increase from last year's evaluated price of \$167.25 per hour. EUD's experience with Trees, Inc has been positive with a number of customer compliments and very few complaints. They coordinate their work effectively with EUD's Line Crews, Operations' personnel and customers while adhering to safety standards/procedures.

APPROVED: _____
Blair King, City Manager

With the approval of the City Council, the tree trimming (Power Line Clearing) contract shall be awarded to Trees, Inc. of Houston, Texas.

FISCAL IMPACT: Decreased the number of tree trimming Crews from three to two with the projected cost of \$350,000 chargeable to EUD's Operating Budget. (The fiscal year 2005-06 tree clearance budget is \$548,201.)

FUNDING AVAILABLE: An amount of \$350,000 will be included in EUD's proposed budget for fiscal year 2006-07 under Account No. 160654 – Tree Trimming. Funding for contract extensions shall be addressed in future operating budgets.

Ruby Paiste, Interim Finance Director

George F. Morrow
Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., Sr. Power Engineer

GFM/DB/lst

cc: City Attorney

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE CONTRACT FOR TREE TRIMMING
(POWER LINE CLEARING)

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on May 24, 2006, at 11:00 a.m. for Tree Trimming (Power Line Clearing), described in the specifications therefore approved by the City Council on April 19, 2006; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Backyard Crew</u>	<u>Street Crew</u>	<u>Evaluated Cost</u>
Trees, Inc. Houston, TX	\$95.89 per hour	\$77.04 per hour	\$172.93 per hour
Asplundh Tree Expert Co. Stockton, CA	\$103.69 per hour	\$82.95 per hour	\$186.64 per hour
West Coast Arborists, Inc. Anaheim, CA	\$198.00 per hour	\$132.00 per hour	\$330.00 per hour

WHEREAS, staff recommends awarding the tree trimming contract to the lowest bidder, Tree's Inc. of Houston, Texas, the City's existing tree trimming contractor.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the bid for Tree Trimming (Power Line Clearing), be made to the low bidder, Trees Inc., of Houston, Texas, in the amount of \$350,000 for fiscal year 2006-2007 (evaluated cost of \$172.93 per hour).

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the City of Lodi to contract for wireless services from Verizon Wireless under the terms of the State of California Contract for Wireless Services (Master Contract #1S-05-58-02) (ISD)

MEETING DATE: June 21, 2006

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Adopt resolution authorizing the City of Lodi to contract for wireless services from Verizon Wireless under the terms of the State of California Contract for Wireless Services (Master Contract #1S-05-58-02)

BACKGROUND INFORMATION: The City of Lodi has purchased wireless (cellular) services and wireless hardware from Verizon Wireless utilizing the discounts available under the terms of the Western States Contracting Alliance (WSCA) contract. Verizon Wireless has signed a contract with the State of California and no longer offers the option to buy new service plans or renew expiring service plans using the WSCA contract. Instead, Verizon Wireless is requiring the City of Lodi to sign a Local Government Entity Authorization User Agreement in order to utilize the enhanced discounts offered under the terms of the State of California Contract for Wireless Services (Master Contract #1S-05-58-02.) The WSCA contract still exists, but Verizon Wireless no longer participates in it, and is only offering the State Master Wireless Services contract.

Typically, wireless service plans are for a period of one or two years for each wireless telephone. As each of these Verizon Wireless service plans expire, the 15% WSCA government discount is ending and the service plans are going up to full tariff pricing. Another important consideration is that under WSCA, when a wireless phone is no longer needed, and the service plan is terminated early, there is a required flat \$175.00 early termination fee. This fee has been eliminated in the new State Master Wireless Services contract. Under the new contract, new price plan changes may potentially save the City of Lodi \$350.00 to \$900.00 per month.

One of the new contract offerings is a special State of California Zero Access Local Calling Plan. A brief overview of the Zero Access plan is:

- No monthly access charges unless calls are made.
- Pay only for the minutes that are actually used.
- Per minute charge is only 6.5¢ per minute from the State of California Home Airtime Rate and Coverage Area. Taxes and other charges may apply.
- Can switch to other more beneficial plans should staff go to training or have business out of state (or seasonal spike in calling e.g. Parks & Recreation Department during summer months.)

APPROVED: _____
Blair King, City Manager

Zero access would provide for standby wireless phones that might be used during emergencies or natural disasters.

Government Code §6502 authorizes the City to participate jointly with other public agencies in such a program, and Lodi Municipal Code §3.20.070 allows alternative methods of procurement when such methods are in the best interest of the City. The City would benefit from volume pricing as well as saving time and expense of competitive bidding on previously-bid contracts.

FISCAL IMPACT: This will allow the City of Lodi to continue participation in government discount programs and there may be an overall reduction in ongoing wireless telephone costs.

FUNDING: Each department has budgeted for ongoing wireless telephone costs.

Ruby Paiste, Interim Finance Director

Respectfully Submitted,

James R. Krueger
Deputy City Manager

Prepared by:
Mark White, Information Systems Coordinator

CMW

cc: Steve Mann, Information Systems Manager
Steve Schwabauer, City Attorney's Office
Joel Harris, Purchasing Officer

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE
CONTRACT FOR WIRELESS SERVICES FROM
VERIZON WIRELESS UNDER THE STATE OF
CALIFORNIA CONTRACT FOR WIRELESS SERVICES
(MASTER CONTRACT #1S-05-58-02)

=====

WHEREAS, Lodi Municipal Code, §3.20.070, authorizes dispensing with bids for purchases of supplies, services or equipment when it is in the best interest of the City to do so; and

WHEREAS, the City of Lodi has purchased wireless (cellular) services and wireless hardware from Verizon Wireless utilizing the discounts available under the terms of the Western States Contracting Alliance (WSCA) contract; and

WHEREAS, Verizon Wireless has signed a contract with the State of California and no longer offers the option to buy new service plans or renew expiring service plans using the WSCA contract; and

WHEREAS, instead, Verizon Wireless is requiring the City of Lodi to sign a Local Government Entity Authorization User Agreement in order to utilize the enhanced discounts offered under the terms of the State of California Contract for Wireless Services (Master Contract #1S-05-58-02), and even though the WSCA contract still exists, Verizon Wireless no longer participates in it, and is only offering the State Master Wireless Services contract; and

WHEREAS, typically, wireless service plans are for a period of one or two years for each wireless telephone. As each of these Verizon Wireless service plans expire, the 15% WSCA government discount is ending and the service plans are going up to full tariff pricing. Another important consideration is that under WSCA, when a wireless phone is no longer needed, and the service plan is terminated early, there is a required flat \$175.00 early termination fee. This fee has been eliminated in the new State Master Wireless Services contract. Under the new contract, new price plan changes may potentially save the City of Lodi \$350.00 to \$900.00 per month; and

WHEREAS, one of the new contract offerings is a special State of California Zero Access Local Calling Plan. A brief overview of the Zero Access plan is:

- No monthly access charges unless calls are made.
- Pay only for the minutes that are actually used.
- Per minute charge is only 6.5¢ per minute from the State of California Home Airtime Rate and Coverage Area. Taxes and other charges may apply.
- Can switch to other more beneficial plans should staff go to training or have business out of state (or seasonal spike in calling e.g. Parks & Recreation Department during summer months); and

WHEREAS, Zero access would provide for standby wireless phones that might be used during emergencies or natural disasters; and

WHEREAS, Government Code §6502 authorizes the City to participate jointly with other public agencies in such a program, and Lodi Municipal Code §3.20.070 allows alternative methods of procurement when such methods are in the best interest of the City. The City would benefit from volume pricing as well as saving time and expense of competitive bidding on previously bid contracts.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the City Manager to execute contract for Wireless Services from Verizon Wireless under the terms of the State of California Contract for Wireless Services (Master Contract #1S-05-58-02).

Dated: June 21, 2006

=====

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2006-____, which was duly and regularly passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-____



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Final Map and Improvement Agreement for the Public Improvements for 495 North Guild Avenue and Appropriating Funds for Required Reimbursements (\$13,150)

MEETING DATE: June 21, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving the final map and the improvement agreement for the public improvements for 495 North Guild Avenue, direct the City Manager and City Clerk to execute the agreement on behalf of the City, and appropriate funds for the required reimbursements.

BACKGROUND INFORMATION: The subdivision is located at 495 North Guild Avenue, as shown on Exhibit A. The development consists of six individual industrial lots.

The developer, Delmar D. Batch, has furnished the City with improvement plans, necessary agreements, guarantees and insurance certificate for the proposed project. The developer also paid the required Development Impact Mitigation Fees (\$88,658.50) with the Building Permit (Application No. B15644), the improvement agreement preparation fee, and other miscellaneous fees (\$28,880.82).

The improvements include installation of a Master Plan water pipe in the easement west of Guild Avenue, as well as street pavement improvements, curb, gutter, and sidewalks, hydrants and street lights on Guild Avenue. The developer is entitled to reimbursement by the City for the installation of oversize Master Plan water pipes in conformance with LMC 15.64 Development Impact Mitigation Fees and 16.40 Reimbursements for Construction. All reimbursements will be made when the improvements are complete and accepted by the City.

The project is also in the process of being annexed into the Lodi Consolidated Landscape and Maintenance District 2003-1 to cover the cost of the future traffic signal maintenance at Guild Avenue and Victor Road and park maintenance associated with the development.

Staff requests the appropriation of funds listed below to cover the reimbursements to be paid by the City to the developer.

FISCAL IMPACT: There will be a slight increase in long-term maintenance costs for public infrastructure, such as streets, water, wastewater and storm drain facilities, and City services, such as police and fire. The maintenance and replacement costs for the future traffic signal at Guild Avenue and Victor Road and a fair share of the public park maintenance costs, as will be determined in the Engineer's Report to be prepared prior to annexation of the property, will be funded through the Lodi Consolidated Landscape and Maintenance District 2003-1.

FUNDING AVAILABLE: Miscellaneous Water Main (181451) \$13,153.25

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer
Attachment

cc: Senior Civil Engineer Fujitani

Senior Civil Engineer Welch

Delmar D. Batch

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE FINAL MAP
AND IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS FOR
495 NORTH GUILD AVENUE AND FURTHER APPROPRIATING FUNDS FOR
THE REQUIRED REIMBURSEMENTS

=====

WHEREAS, the improvements for 495 North Guild Avenue include installation of a Master Plan water pipe in the easement west of Guild Avenue, as well as street pavement improvements, curb, gutter, and sidewalks, hydrants and street lights on Guild Avenue; and

WHEREAS, the developer is entitled to reimbursement by the City for the installation of oversize Master Plan water pipes in conformance with LMC 15.64 Development Impact Mitigation Fees and 16.40 Reimbursements for Construction; and

WHEREAS, all reimbursements will be made when the improvements are complete and accepted by the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Final Map and Improvement Agreement for the Public Improvements for 495 Guild Avenue, as shown on Exhibit A attached; and

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager and Interim City Clerk to execute the Improvement Agreement and Final Map on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that funds in the amount of \$13,153.25 be appropriated from the Miscellaneous Water Main Fund for reimbursement to the developer in conformance with LMC 15.64 Development Impact Mitigation Fees and 16.40 Reimbursements for Construction.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

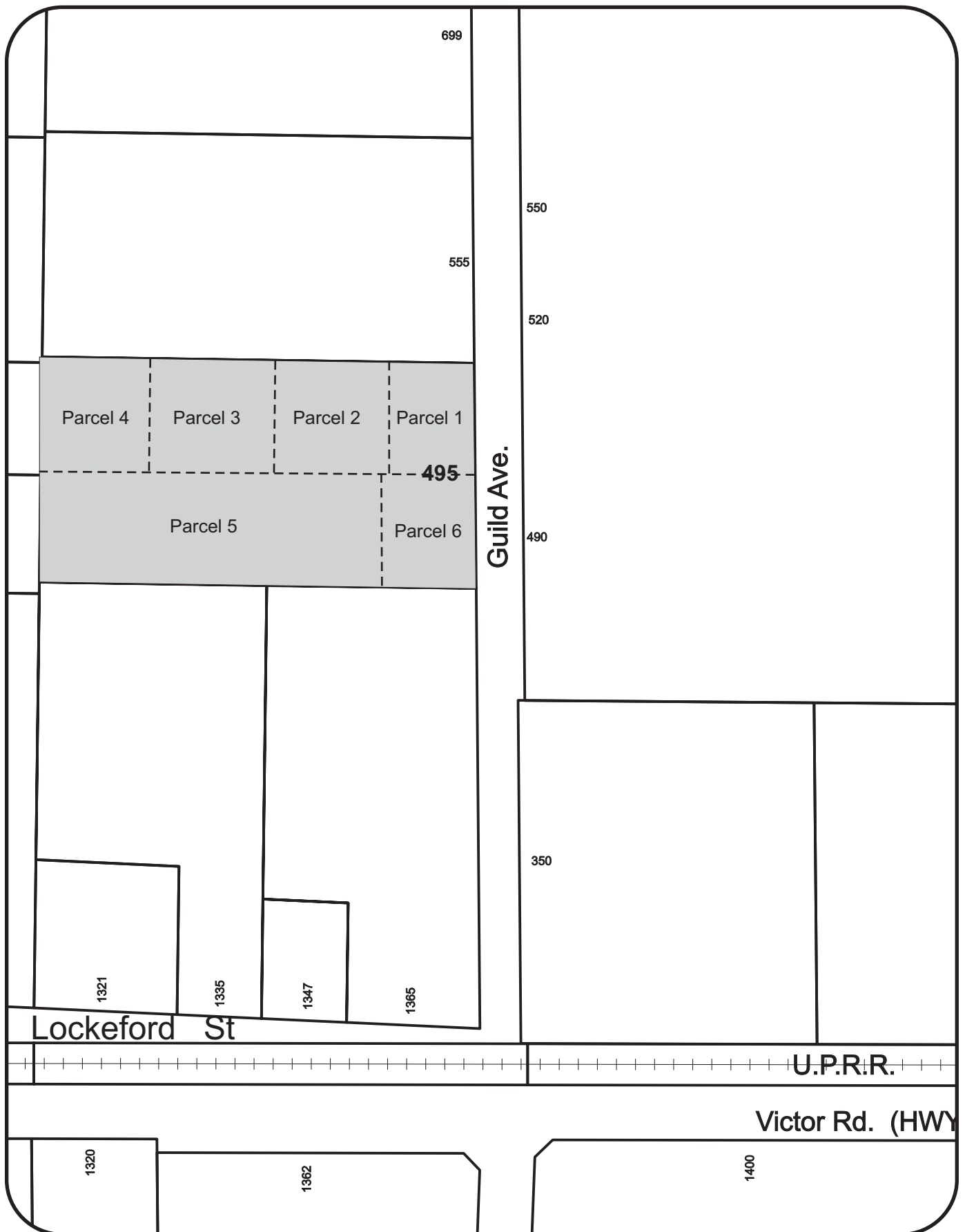
ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____

EXHIBIT A





CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Authorize City Manager to Execute Amendment to Encroachment Permit Agreement for 115 South School Street

MEETING DATE: June 21, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council authorize the City Manager to execute an addendum to the Encroachment Permit Agreement for 115 South School Street.

BACKGROUND INFORMATION: The property owners of 115 South School Street have a recorded Encroachment Permit Agreement, dated November 29, 2004, to encroach on and use the public alley for purposes of outdoor restaurant seating, display, sales and similar activities by owners or owners' tenants. The agreement was part of the owners' renovation of the former Woolworth building and the adjacent alley which was closed to vehicular traffic. The property owners are requesting an addendum to Article 5 of the agreement to increase the eight-foot strip encroachment of the public alley by one foot nine inches, totaling nine feet nine inches, to accommodate the new tenant.

The nine-foot nine-inch encroachment upon the public alley has the approval of the Building Official and Fire Marshall, and part of the reason for the additional width is for compliance with the requirements of the Americans with Disabilities Act.

Public Works staff therefore recommends that the City Manager be authorized to execute an addendum to the Encroachment Permit Agreement to increase the width of the eight-foot strip encroachment upon the public alley for tenant occupying Suite 10 of "Woolworth Place", 115 South School Street, by one-foot nine inches.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician
RCP/JM/drr

cc: Steve Schwabauer, City Attorney
Scott Tonn, Downtown Partners LLC
Carl Weishek

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager and Designee to Execute and File Applications for Federal Assistance with the Federal Transit Administration (FTA) and All Associated Activities on Behalf of the City of Lodi and Authorizing City Manager, City Attorney and Transportation Manager to be Assigned Personal Identification Numbers (PIN) for All Required Federal Transit Administration (FTA) Transportation Electronic Award and Management System (TEAM) Activities

MEETING DATE: June 21, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council adopt a resolution authorizing the City Manager and Designee to execute and file applications for Federal assistance with the Federal Transit Administration (FTA) and all associated activities on behalf of the City of Lodi. Additionally, the City Council is requested to authorize the City Manager, City Attorney and Transportation Manager to be assigned Personal Identification Numbers (PIN) for all required Federal Transit Administration (FTA) Transportation Electronic Award and Management System (TEAM) activities.

BACKGROUND INFORMATION: The FTA utilizes an online grant application and management program referred to as TEAM. The City of Lodi accesses this program to create, submit, execute and manage Section 5307 Grant Funds and Congestion Mitigation/ Air Quality Funds utilized for Transit. Additionally, the City Manager and City Attorney annually submit (PIN) Certifications and Assurances noting compliance with FTA regulations and guidelines. Staff is not recommending any changes to the positions authorized to submit the Certifications and Assurances, however, staff is requesting that Council authorize the Transportation Manager to have access to grant submittal and execution.

Annually, City Council adopts a Program of Projects (POP) stating the intended uses of FTA Section 5307 Grant Funds allocated to the City for Transit. Additionally, any Congestion Mitigation/ Air Quality Grant Funding received from the San Joaquin Council of Governments (COG) or San Joaquin Valley Air Pollution Control District (SJVAPCD) is transferred by Caltrans to FTA for inclusion in the grant. After adoption by Council and/or award by COG or SJVAPCD, the FTA grant is prepared in TEAM by the Transportation Manager. The City Manager is then required to submit the grant for review. Following review by the FTA, the Transportation Manager is notified the grant is ready to execute and the City Manager is requested to execute the grant. All required monitoring and reporting duties are then performed by the Transportation Manager. By authorizing the Transportation Manager to submit and execute the grants, the grant process will be able to be expedited in a timelier manner. The grant submittals are checked annually by the City's auditors as part of the Single Audit to ensure compliance. Additionally, the Transportation Manager already acts as the link to the FTA for questions regarding the City's grants and grant process.

FISCAL IMPACT: There is no fiscal impact from this action.

FUNDING AVAILABLE: None required.

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink/Transportation Manager
RCP/TMF/drr

cc: Finance Director Transportation Manager

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY
MANAGER OR HIS DESIGNEE TO FILE APPLICATIONS WITH THE
FEDERAL TRANSIT ADMINISTRATION, AN OPERATING
ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF
TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE

=====

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for Federal Financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost;

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LODI as follows:

1. The City Manager and his/her designee is authorized to execute and file application for Federal assistance on behalf of the City of Lodi with the Federal Transit Administration for Federal Assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. The applicant has received authority from the Designated Recipient to apply for Urbanized Area Formula Program Assistance.
2. The City Manager or his/her designee is authorized to execute and file with its application the annual certification and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. The City Manager or his/her designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Lodi.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Jennifer M. Perrin
Interim City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing Transit Services Outside of Regular Service Operations for the Listed Annual Events and Authorize the Transportation Manager to Advertise to Determine if a Willing and/or Able Provider Exists for These Events

MEETING DATE: June 21, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council adopt a resolution authorizing transit services outside of regular service operations for the annual events listed below and authorize the Transportation Manager to advertise to determine if a willing and/or able provider exists for these events in accordance with the Policy for Use of Transit Service Outside of Regular Operations.

BACKGROUND INFORMATION: At the June 16, 2004 meeting, the City Council adopted policies and procedures for the use of transit services outside regular operations. Included in the adopted policy was specific language identifying the procedure for utilizing the City's transit services for public service events. The policy calls for the City's Transportation Manager to advertise not only in the local newspapers, but additionally to notify national trade organizations to determine if any other operator is willing and/or able to perform the service. To expedite this process, it has been recommended (and included in the policy) to do one general advertisement each year and should no provider be interested, the City's transit service may provide those services at the fully-allocated rate. An administrative fee of \$50 per event would be charged to cover the annual advertisement. The current fully-allocated rate (contract cost plus maintenance, depreciation, etc.) is \$60 an hour per bus. The rate is subject to change pending recalculation of cost following the single audit.

The following is a list of annual events for which transit service has been previously requested:

Sandhill Crane Festival	Parade of Lights
4 th at the Lake (formerly Ooh Ahh)	Grape Festival
Leadership Lodi (various days)	Lodi Centennial Events
Hutchins Street Square Performances	Storm Drain Detectives
Adult Day Care to Micke Grove Park	Assorted City Department and Council Events
Visitor and Conference Bureau Media Day	ZINFEST

FISCAL IMPACT: All services provided will be charged at the fully-allocated rate. There should not be any fiscal impact on the Transit fund.

FUNDING AVAILABLE: None required. All services will be billed in accordance with the adopted City policy.

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager
RCP/TMF/pmf

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
TRANSIT SERVICES OUTSIDE OF REGULAR SERVICE
OPERATIONS FOR THE LISTED ANNUAL EVENTS AND FURTHER
AUTHORIZING THE TRANSPORTATION MANAGER TO ADVERTISE
TO DETERMINE IF A WILLING AND/OR ABLE PROVIDER EXISTS
FOR THESE EVENTS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize transit services outside of regular service operations for the following listed annual events should no other provider be available:

Sandhill Crane Festival	Parade of Lights
4 th at the Lake (formerly Ooh Ahh)	Grape Festival
Leadership Lodi (various days)	Lodi Centennial Events
Hutchins Street Square Performances	Storm Drain Detectives
Adult Day Care to Micke Grove Park	Assorted City Department and Council Events
Visitor and Conference Bureau Media Day	ZINFEST

BE IT FURTHER RESOLVED, that the Lodi City Council hereby authorizes the Transportation Manager to advertise to determine if a willing and/or able provider exists for these events in accordance with the Policies and Procedures for the Use of Transit Services adopted by the City Council on June 16, 2004; and

BE IT FURTHER RESOLVED that the City of Lodi will do one general advertisement each year, and should no other provider be interested, the City's Transit Service may provide those services at the fully-allocated rate (\$60 an hour per bus); and

BE IT FURTHER RESOLVED that an Administrative Fee of \$50 per event be charged to cover the annual advertisement cost.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 21, 2006 by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute an Amendment to the Contract with Greyhound Bus Lines, Inc., to Approve Receipt of Commission for Additional Services

MEETING DATE: June 21, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council adopt a resolution authorizing the City Manager to execute a contract amendment with Greyhound Bus Lines, Inc., to approve receipt of commission for additional services.

BACKGROUND INFORMATION: Greyhound Bus Lines, Inc., has operated within the City of Lodi for several years utilizing a contracted station agent. On June 17, 2005, Greyhound terminated the contract with their agent.

The City of Lodi (through our transit contractor, MV Transportation) has been acting as the authorized agent for Greyhound since February 2006 and to date has sold nearly 600 tickets to various locations throughout California and 20 other states, as well as Canada and Mexico. The proposed contract amendment will allow the City to receive commission for shipments received in Lodi (luggage, etc.), Ameripass tickets, excess baggage charges, GLI Phone Cards, and Student Advantage Cards.

The City of Lodi will receive the following commission as a result of the proposed changes. Per the contract with MV Transportation (who provides the staffing), the commission shown below would be split 50%/50% between the City of Lodi and MV Transportation.

Express Shipments Delivered to the Lodi Station	10%
Ameripass Ticket Sales	10%
Excess Baggage Charges	15%
GLI Phone Cards	20%
Student Advantage Cards	\$2.00

FISCAL IMPACT: This will allow the City of Lodi's Transit Division to receive additional revenue with no additional cost incurred. Due to this being added services, potential revenue amounts are unknown.

FUNDING AVAILABLE: None required.

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager
RCP/TMF/drr
Attachment
cc: Finance Director
Transportation Manager
Liz Diaz, MV Public Transportation

APPROVED: _____
Blair King, City Manager

4-26-06

Agency #3886
Location: Lodi, CA

AMENDMENT

This Amendment is made to be effective the 1st of February 2006, by and between GREYHOUND LINES, INC., a Delaware corporation, ("Greyhound"), and City of Lodi ("Contractor").

WHEREAS, the parties hereto entered into that certain Standard Independent Contractor Agreement ("Agreement") dated January 9, 2006; and

WHEREAS, the parties desire to amend the Agreement in accordance with the terms set forth below.

IT IS HEREBY AGREED, in consideration of the premises, the mutual covenants contained herein and other good and valuable consideration in hand paid, the parties hereto agree as follows:

1. The Agreement is hereby amended by inserting the following:

L COMPANY AGREES:

A. To pay Contractor the following commissions:

- | | |
|--|------------------------------|
| 6. On transportation charges for express shipments, whether prepaid, collect, or C.O.D., delivered to the consignee at the Facility: | Ten Percent (10%) |
| 7. On charges collected by Contractor from the sale of Ameripass tickets: | Ten Percent (10%) |
| 8. On excess baggage charges collected by Contractor: | Fifteen Percent (15%) |
| 9. On GLI Phone Card | Twenty Percent (20%) |
| 10. On Student Advantage Cards | Two Dollars (\$2.00) |
2. Except as otherwise provided herein, the terms and provisions of the Agreement, as previously modified or amended, shall remain in full force and effect.

This Amendment is executed to be made effective the day and year first above written.

GREYHOUND LINES, INC.
a Delaware corporation

By: C. Darnley

Title: DSU 1103

CONTRACTOR:

By: _____

Title: _____

Approved by Legal 2/27/02

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE
CONTRACT WITH GREYHOUND BUS LINES, INC. TO
APPROVE RECEIPT OF COMMISSION FOR ADDITIONAL
SERVICES

=====

WHEREAS, the City of Lodi (through the City's Transit Contractor, MV Transportation), has been acting as the authorized agent for Greyhound since February 2006; and

WHEREAS, the proposed contract amendment will allow the City to receive commission for shipments received in Lodi, i.e. luggage etc.), Ameripass tickets, excess baggage charges, GLI Phone Cards and Student Advantage Cards.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute an Amendment to the Contract with Greyhound Bus Lines, Inc., to approve receipt of commission for additional services, as shown on Exhibit A attached hereto.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 21, 2006 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Execute the Direct Payment Program Agreement with the State of California Department of Community Services and Development for the Term of July 1, 2006 through June 30, 2009.

MEETING DATE: June 21, 2006

PREPARED BY: Interim Finance Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager, or his designee, to execute the direct payment program agreement with the State of California, Department of Community Services and Development for the term of July 1, 2006 through June 30, 2009.

BACKGROUND INFORMATION: The LIHEAP (low-Income Home Energy Assistance Program) is designed to provide assistance to qualified customers once a year or as a crisis intervention action. As a crisis intervention action, this program is crucial to customers who need help paying their utility bills, as otherwise they may suffer termination of service for non-payment.

Routinely the State of California, Department of Community Services and Development (CSD) issues an agreement to be jointly signed by CSD and the City of Lodi to provide for LIHEAP disbursements on behalf of City of Lodi energy customers. The State CSD is now requiring that a resolution of the local governing body accompany the signed agreement. This resolution will complete the requirements to the agreement for the term of July 1, 2006 through June 30, 2009.

FUNDING AVAILABLE: None required

Ruby R Paiste, Interim Finance Director

RRP/kb

Attachments

APPROVED: _____
Blair King, City Manager

City of Lodi
Direct Payment Agreement
Agreement No. 06-1310

STATE OF CALIFORNIA
AGREEMENT

This Agreement consists of this signature page, Exhibits A through F, and Attachments I through IV, which are attached hereto and incorporated herein by this reference. It is entered into between the State of California, **Department of Community Services and Development**, and the Utility Company, **City of Lodi**:

Utility Company:
The term of this Agreement is:
The maximum amount of this Agreement is:

City of Lodi
July 1, 2006 through June 30, 2009
\$-0-

Agreed to and approved:

CONTRACTOR

City of Lodi

By:

Authorized Signature

Date Signed

APPROVED AS TO FORM

Blair King, City Manager

Printed Name and Title of Person Signing

D. Stephen Schwabauer, City Attorney
221 W. Pine St., P O Box 3006

Address: **ATTEST:**

Lodi, CA 95241-1910

Jennifer M. Perrin
Interim City Clerk

Telephone:

(209) 333-6700

Facsimile:

(209) 333-6807

STATE OF CALIFORNIA

Department of Community Services and
Development

By:

Authorized Signature

Date Signed

Richard J. Bueche, Chief of Fiscal Operations

Printed Name and Title of Person Signing

Address:

700 North Tenth Street
Sacramento, California 95814-0338

Telephone:

(916) 341-4200

Facsimile:

(916) 341-4213

Exhibit A

SCOPE OF WORK

1. The purpose of this Agreement between the Department of Community Services and Development, hereinafter referred to as CSD, and the **City of Lodi**, hereinafter referred to as Contractor, is for the purpose of making direct credit to the accounts of low-income energy customers of the Contractor that are identified by CSD as payment recipients under CSD's Low-Income Home Energy Assistance Program (LIHEAP), which includes the Home Energy Assistance Program (HEAP) and Energy Crisis Intervention Program – Fast Track (ECIP-FT).

2. Location Where Services Are To Be Provided

Unless specified in writing, in advance, by CSD, the location of all services to be provided by CSD under this Agreement will be at:

Department of Community Services and Development
Program Services and Support Unit
700 North Tenth Street, Room 258
Sacramento, California 95814

3. Addresses

All notices to the parties shall, unless otherwise requested in writing, be sent to Contractor's address as follows:

Name and Title: James R. Krueger, Deputy City Manager

Company name: City of Lodi

Address: 221 W. Pine St., P O Box 3006

City, State and Zip Code: Lodi, CA 95241-1910

or by facsimile to (209) 333-6807

and to CSD's address as follows:

Sukie Godínez, Manager
Department of Community Services and Development
700 North 10th Street, Room 258
Sacramento, California 95814-0338
or by facsimile to (916) 341-4285.

Exhibit B

BUDGET DETAIL AND PAYMENT PROVISIONS1. Payment

Contractor will not receive any direct financial consideration under this Agreement.

2. CSD's Project Manager

The Manager of the Energy and Environmental Services is designated as the Department's Project Coordinator. The Department may, at any time, designate a substitute Project Coordinator.

3. Contractor's Project Coordinator

RUBY PAISTE is designated as the Contractor's Project Coordinator. The Contractor may, at any time, designate a substitute Project Coordinator. Notification to CSD of any change in the Project Coordinator will be made in writing and will not require an amendment to this agreement.

4. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, CSD shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the State of California Budget Act for purposes of this program, the CSD shall have the option to either cancel this Agreement with no liability occurring to the CSD, or offer an agreement amendment to Contractor to reflect the reduced amount.
- C. Notwithstanding the language in Sections 5.A. or 5.B. below, if CSD believes that funds will be insufficient to allow the State to make LIHEAP payments to Contractor i.e., for the reasons described in Section 5.A. or 5.B. below, then CSD shall promptly notify Contractor's Project Coordinator. The CSD and Project Coordinator shall attempt to amend this Agreement so the LIHEAP payments can continue to the extent possible given the nature of the shortage or unavailability of funding for LIHEAP. The parties agree that it is undesirable to terminate this Agreement for any short-term unavailability of LIHEAP funds and that it would be preferable, if Federal funds are not available for LIHEAP, to suspend LIHEAP until CSD is able to obtain sufficient funding to resume credits to qualified low-income energy customers, as provided for under LIHEAP.

Exhibit B

5. Provisions for Federally Funded Contracts

- A. It is mutually understood between the parties that this contract may have been written for the mutual benefit of both parties before ascertaining the availability of congressional appropriation of funds, to avoid program and fiscal delays that would occur if the contract were executed after that determination was made.
- B. This contract is valid and enforceable only if sufficient funds are made available to the CSD by the United States Government for the purpose of this program. In addition, this contract is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this contract in any manner.
- C. The parties mutually agree that if Congress does not appropriate sufficient funds for LIHEAP, this contract shall be amended to reflect any reduction in funds.
- D. CSD has the option to void the contract under the 30-day cancellation clause or to amend the contract to reflect any reduction for funds.
- E. CSD will notify Contractor's Project Coordinator if federal funds are insufficient for LIHEAP to continue as expected during the next fiscal year or if restrictions, limitations or conditions have been imposed by Congress on the LIHEAP or funding for it as soon as the Federal grant award letter has been issued with some constraint. CSD further agrees that Contractor's willingness to suspend the LIHEAP, as described herein and in Section 5.C. above, does not constitute an agreement by Contractor that: (i) funding for LIHEAP is unimportant or (ii) a delay in crediting a customer with LIHEAP funds is acceptable, to either Contractor or its customers.

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. Approval

This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required.

2. Amendment

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

3. Assignment

This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.

4. Audit

The agency performing work under this Agreement agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement if it exceeds \$10,000. The agency performing work agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of record retention is stipulated. The agency performing work under this Agreement agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the agency performing work under this Agreement agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (GC 8546.7, PCC 10115 et seq., CCR Title 2, Section 1896)

5. Indemnification

Each party is responsible for its own acts, omissions, conduct, and failure to act in the performance of this Agreement.

6. Disputes

The agency performing the work under this Agreement shall continue with the responsibilities under this Agreement during any dispute.

EXHIBIT C

7. Termination for Cause

The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

8. Independent Contractor

Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. Nondiscrimination Clause

During the performance of this Agreement, Contractor and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, and denial of family care leave. Contractor and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement. Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

10. Timeliness

Time is of the essence in this Agreement.

11. Compensation

The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

EXHIBIT C

12. Governing Law

This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

13. Child Support Compliance Act

For any Agreement in excess of \$100,000, the agency performing work under this Agreement acknowledges in accordance with Public Contract Code 7110, that:

- a) The agency performing work under this Agreement recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
- b) The agency performing work under this Agreement, to the best of its knowledge, is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

14. Unenforceable Provision

In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

15. Union Activities

For all contracts, except fixed price contracts of \$50,000 or less, the agency performing work under this Agreement acknowledges that:

By signing this agreement the agency performing work under this Agreement hereby acknowledges the applicability of Government Code Section 16645 through Section 16649 to this Agreement and agrees to the following:

- a) The agency performing work under this Agreement will not assist, promote or deter union organizing by employees performing work on a state service contract, including a public works contract.
- b) No state funds received under this Agreement will be used to assist, promote or deter union organizing.
- c) The agency performing work under this Agreement will not, for any business conducted under this Agreement, use any state property to hold meetings with employees or supervisors, if the purpose of such meetings is to assist, promote or

EXHIBIT C

deter union organizing, unless the state property is equally available to the general public for holding meetings.

- d) If the agency performing work under this Agreement incurs costs, or makes expenditures to assist, promote or deter union organizing, that agency will maintain records sufficient to show that no reimbursement from state funds has been sought for these costs, and that the agency shall provide those records to the Attorney General upon request.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. Cancellation

Either party may terminate this Agreement by giving thirty (30) day's prior written notice to the other party.

2. Subcontracts

No subcontracts shall be permitted under this Agreement; therefore, references to subcontractors or subcontracts as part of standard provisions that have been included herein shall have no applicability.

3. Expatriate Corporations

A. Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

B. An "expatriate corporation" means a foreign incorporated entity that is publicly traded in the United States to which all of the following apply (Public Contract Code, section 10286.1):

- 1) The United States is the principal market for the public trading of the foreign incorporated entity.
- 2) The foreign incorporated entity has no substantial business activities in the place of incorporation.
- 3) Either clause a. or clause b. applies:
 - a. The foreign entity was established in connection with a transaction or series of related transactions pursuant to which (I) the foreign entity directly or indirectly acquired substantially all of the properties held by a domestic corporation or all of the properties constituting a trade or business of a domestic partnership or related foreign partnership, and (II) immediately after the acquisition, more than 50 percent of the publicly traded stock, by vote or value, of the foreign entity is held by former shareholders of the domestic corporation or by former partners of the domestic partnership or related foreign partnership. For purposes of subclause (II), any stock sold in a public offering related to the transaction or a series of transactions is disregarded.

EXHIBIT D

- b. The foreign entity was established in connection with a transaction or series of related transactions pursuant to which (I) the foreign entity directly or indirectly acquired substantially all of the properties held by a domestic corporation or all of the properties constituting a trade or business of a domestic partnership or related foreign partnership, and (II) the acquiring foreign entity is more than 50 percent owned, by vote or value, by domestic shareholders or partners. (iii) For purposes of this subparagraph, indirect acquisition of property includes the acquisition of a stock share, or any portion thereof, of the owner of that property.

4. Domestic Partners

Commencing on July 1, 2004 Contractor certifies that it is in compliance with Public Contract Code section 10295.3 with regard to benefits for domestic partners. For any contracts executed or amended, bid packages advertised or made available, or sealed bids received on or after July 1 2004 and prior to January 1, 2007, a Contractor may require an employee to pay the costs of providing additional benefits that are offered to comply with PCC 10295.3.

5. Doing Business with the State of California

- A. The following laws apply to persons or entities doing business with the State of California:

Conflict of Interest: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

- 1) Current State Employees (PCC 10410)
 - a. No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
 - b. No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.
- 2) Former State Employees (PCC 10411)
 - a. For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations,

EXHIBIT D

transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

- b. For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

- B. If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (PCC 10420)
- C. Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (PCC 10430 (e))

6. Labor Code/Workers' Compensation

Both parties agree that they are aware of the provisions that require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and CSD affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

7. Americans with Disabilities Act

Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

8. Contractor Name Change

An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change, the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

9. Corporate Qualifications to do Business in California

- A. When Agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

EXHIBIT D

- B. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.
- C. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

10. Resolution

A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body that by law has authority to enter into an agreement, authorizing execution of the agreement.

11. Air Or Water Pollution Violation

Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

12. Compliance with Laws and Tax Withholding

- A. CSD shall comply with all applicable Federal, State, and local laws, rules, and regulations, and shall obtain all permits required to conduct its business and perform the work called for in this Agreement, if applicable.
- B. CSD represents and warrants that it will withhold all taxes, if any, which are required to be withheld under applicable laws with respect to CSD personnel who perform services for the Contractor. CSD shall indemnify and hold the Contractor harmless, on an after-tax basis, for any liability incurred by the Contractor as a result of CSD's failure to institute any such required withholding.

EXHIBIT E

ADDITIONAL PROVISIONS1. Independent Contractor

CSD, and the agents and employees of CSD, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of Contractor.

2. Delegation of CSD's Duties

This Agreement is not assignable by CSD, either in whole or in part, without the consent of Contractor in the form of a formal written amendment. CSD shall not employ other consultants or contractors to provide key data entry, document perfection, and/or any other services under this Agreement without the prior written approval of Contractor, nor shall the duties of CSD, under this Agreement, be delegated without prior written approval of Contractor. Unless otherwise expressly agreed upon by Contractor, CSD shall remain responsible for the quality and timeliness of performance notwithstanding any delegation.

3. Conflict of Interest/Business Ethics

CSD shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with Contractor's interest. During the term of this Agreement, CSD shall not accept any employment or engage in any consulting work that creates a conflict of interest with Contractor or in any way compromises the services to be performed under this Agreement. All financial statements, reports, billings, and other documents rendered shall properly reflect the facts about all activities and transactions handled for the account of Contractor.

4. Warranty

CSD warrants to Contractor that the work under this Agreement shall be performed with the degree of skill and care that is required by current, good and sound professional procedures and practices, and in conformance with generally accepted professional standards prevailing at the time the work is performed, so as to ensure that the services performed are correct and appropriate for the purposes contemplated in this Agreement and related specifications.

5. Confidentiality

- A. In the course of performing the services under this Agreement, CSD may have access to confidential, commercial, or personal information concerning, but not limited to, technology, rate making, legislative, and personnel matters and practices of the Contractor, its subsidiaries, affiliates, or members of the public. CSD agrees not to disclose any such information without the prior written approval of Contractor.

EXHIBIT E

- B. Contractor hereby agrees to provide required security to insure the confidential, physical security, and safekeeping of all data, information, files, and documents while in its possession. Through the observance of the same or more effective procedural requirements as used by CSD, Contractor will protect from unauthorized use and disclosure all sensitive data, documentation, or other information that are designated confidential by CSD and made available to Contractor in order to carry out this Agreement. CSD shall provide to Contractor in writing the identification of all such confidential data and information, as well as CSD procedural requirements for protection of such data and information from unauthorized use and disclosure.
- C. Any representation herein made by CSD relating to confidentiality or the operations, limitations, and requirements for the furnishing of personnel records, as set forth in Exhibit D, Additional Provisions, Section 6., CSD's Use of Contractor's Property, below shall be subject to the Information Practices Act of 1977, Section 1798 et seq. of the California Civil Code, and the California Public Records Act, Section 6250 et seq. of the California Government Code.

6. CSD's Use of Contractor's Property

All records, reports, computer programs, written procedures, and similar materials, documents or data, in whatever form provided by Contractor for CSD's use in performance of services under this Agreement, shall remain the confidential property of Contractor and shall be returned to Contractor immediately upon completion of CSD's use or upon written request of Contractor.

7. Availability of Information and Public Testimony

- A. Contractor's duly authorized representatives shall have, for the term of this Agreement and for two (2) years thereafter, access at all reasonable times, upon five (5) day's written notice and during regular working hours, to the CSD personnel, accounts, and records, including but not limited to applications processed and computer files for personnel who perform services for Contractor under this Agreement in order to verify or review the quantity, quality, work program and progress of the work, reimbursable costs, amounts claimed by CSD, estimates of cost for fixed rates, including those applicable to proposed changes, annual audit to verify recertification processes, and for any other reasonable purposes. The personnel records, accessible under this paragraph, shall be limited to timekeeping, expense, and other such public records.
- B. This provision shall apply to all Agreements except those performed solely on a lump-sum basis. However, where lump sum and time and materials work, i.e., unit price, reimbursable cost, fixed rates, are performed together, either as a part of this Agreement or as separate contract(s), then the above audit privilege shall also extend to Contractor for access to all CSD's records pertaining to all contracts including the lump sum for assurance that the portions of the work performed on a time-and-materials basis are not being charged with time,

EXHIBIT E

material, or other units or cost that are intended to be covered by lump sum or fixed rates, etc., provided herein, supplement hereto or in such other agreements.

- C. CSD accounts shall be kept in accordance with generally accepted accounting principles in the particular industry and shall be kept in such a manner and in sufficient detail to clearly disclose the nature and amounts of the different items of service and cost pertaining to this Agreement and the basis for charges or allocations to this Agreement.
- D. CSD shall preserve all such accounts and records for a period of two (2) years after the expiration of the term of this Agreement. Contractor's duly authorized representatives shall have the right to reproduce any such accounts and records. Contractor shall be responsible for the incremental cost, if any, of retention and retrieval of said records. CSD shall promptly adjust any inaccuracy in the billings.
- E. Access under this paragraph shall not extend the time for the taking of written exception to and the adjustments of accounts as provided for in Exhibit B, Budget Detail and Payment Provisions, Section 2. Compensation, A. Application Category Costs, item 1). CSD shall bear no portion of the Contractor's audit cost incurred under this paragraph unless agreed to by CSD.

8. Nonwaiver

The waiver by either party of any breach of any term, covenant, or condition contained in this Agreement, or any default in the performance of any obligations under this Agreement, shall not be deemed to be a waiver of any other breach or default of the same or any other term, covenant, condition or obligation; nor shall any waiver of any incident of breach or default constitute a continuing waiver of the same. All waivers should be in writing.

9. Prior Work

Services performed by CSD pursuant to Contractor's authorization, but before the execution of this contract, shall be considered as having been performed subject to the provisions of this contract.

10. Incidental and Consequential Damages

Contractor shall not be liable for incidental or consequential damages including, but not limited to, loss of profits, commitments to subcontractors, rental or lease agreement(s), and personal services contracts, unless expressly authorized in writing by Contractor.

EXHIBIT E

11. Insurance

CSD is a self-insured entity. If said coverage no longer prevails, CSD will notify Contractor within thirty (30) days of said coverage expiration.

12. Captions

The captions of the various sections, paragraphs, and subparagraphs are for convenience only and shall not be considered or referred to in resolving questions of interpretations.

13. Venue

In the event that suit shall be brought by either party to this Agreement, the parties agree that venue shall be exclusive vested in the State Courts of the County of Sacramento, or where otherwise appropriate, exclusively in the United States District Court, Eastern District of California, Sacramento, California.

14. Other Agreements

This Agreement shall not prevent either party from entering into similar agreements with others.

15. Dispute Resolution

- A. Unless otherwise mutually agreed to, any disputes between CSD and Contractor regarding the construction or application of this Agreement and claims arising out of this Agreement or its breach shall be submitted to mediation within thirty (30) calendar days of the written request of one party after the service of that request on the other party.
- B. The parties shall make best efforts to settle all disputes arising under this Agreement as a matter of normal business and without recourse to either mediation or litigation. If the parties are unable to resolve a dispute with respect to this Agreement, either party may send a notice to the other requesting a meeting at which senior officers or officials of the parties will attempt to resolve the dispute. If the parties are unable to resolve the dispute within ten (10) days after the meeting notice is received by the party to whom it is directed, or such longer period as the parties may agree, then either party may initiate mediation as set forth herein.
- C. Mediation under this section is a condition precedent to filing an action in any court. In the event of litigation that arises out of any dispute related to this Agreement, the parties shall each pay their respective attorney's fees, expert witness costs and cost of suit, regardless of the outcome the litigation.

EXHIBIT E

16. Additional Work

Before proceeding with any work involving possible claims for extra compensation not specified in this Agreement, CSD shall, upon receipt of a detailed description of services requested, submit in writing to the Contractor a detailed estimate for the cost for such work. CSD shall provide the Contractor with a detailed breakdown and estimated cost of anticipated work, including extensions and change orders, as follows:

- A. Description of work to be performed, including detailed breakdown of identifiable tasks;
- B. Estimated cost of each task; and
- C. Expected date of completion of each task.
- D. CSD shall not proceed with any such additional work prior to receiving written amendment to this Agreement, signed by both parties.

17. Federal Equal Opportunity Laws

During the performance of this Agreement, and to the extent they may be applicable to this Agreement, CSD agrees to comply with the following:

- A. Federal Executive Order 11246, as amended by Executive Order 11375 relating to equal employment opportunity;
- B. Title VI and Title VII of the Civil Rights Act of 1964; as amended;
- C. Rehabilitation Act of 1973, as amended;
- D. Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended;
- E. Title 41, Code of Federal Regulations (CFR), Chapter 60, Office of Federal Contract Compliance Program, Equal Employment Opportunity, Department of Labor, as amended; and
- F. Public Law 101-336, Americans with Disability Act of 1990.

Exhibit F

PROGRAMMATIC PROVISIONS

1. A. CSD will process applications and make a determination of applicant's eligibility for assistance based upon preestablished criteria pursuant to the LIHEAP. CSD will provide the Contractor with a printout or transmittal (Attachment 2) which lists applicants determined eligible for assistance and the amount of assistance. Payment, in the form of a State of California warrant, and Direct Payment Summary (Attachment 3), shall accompany the printout, and shall represent the sum total of benefits contained on said transmittal.
- B. Contractor will process payments contained on aforementioned printout in accordance with the provisions of the enclosed LIHEAP Direct Payment Instructions (Attachment 1).
- C. Contractor will provide notification of LIHEAP payment to each customer for whom a credit is made. The wording of said notification must contain the words "LIHEAP credit."
- D. The contractor shall attempt to credit the accounts of qualified low-income customers by the subsequent billing cycle following the receipt of the transmittal and State of California warrant.
- E.
 - 1) Contractor is responsible for completing and returning to CSD, the Direct Payment Summary that accompanies each transmittal, within ten (10) working days of processing and handling the batch run of eligible low-income utility customers receiving LIHEAP assistance. Contractor shall complete the Direct Payment Summary by indicating: 1) the total number of customer accounts where the Contractor was successful in crediting full amount of eligible LIHEAP benefit; 2) the customer accounts where the Contractor was only able to credit a partial amount of the eligible LIHEAP benefit, also referred to as Partial Payment Return; and 3) the customer accounts where the Contractor was unable to credit any of the eligible LIHEAP assistance amount, also referred to as Full Payment Return.
 - 2) Contractor shall return any undeliverable LIHEAP benefits to CSD during the course of this Agreement.

2. **Disbursements**

Funds provided under this Agreement shall be disbursed and applicant accounts credited in accordance with the provisions of the LIHEAP Direct Payment Instructions.

3. **Assurances**

- A. Contractor shall charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the payment amount

Exhibit F

made by the Department. The actual costs of the home energy shall be consistent with applicable utility company tariffs as approved by the CPUC.

- B. Contractor assures that no household receiving assistance under this process will be treated adversely because of such assistance under applicable provisions of State Law regarding public regulatory requirements.

4. Reports

Reports required under this Agreement are detailed in the LIHEAP Direct Payment Instructions and the attachments thereto.

Direct Payment

LIHEAP Direct Payment Instructions and Samples

- **Attachment 1 – Direct Payment Instructions**
- **Attachment 2 – Print out Report**
- **Attachment 3 – HEAP Direct Payment Summary**
- **Attachment 4 – Match/Error Criteria**

ATTACHMENT 1

LIHEAP DIRECT PAYMENT INSTRUCTIONS

HOW TO MAKE A MATCH

OPEN ACCOUNTS: If an applicant's utility account is open at the time a LIHEAP payment is received, the full amount of the payment can be applied even if it creates a credit to the account.

It is incumbent upon your company to match payments to the correct account and customer of record to which the LIHEAP applicant has directed the benefit. For this purpose, both the "Customer of Record" and last name of the LIHEAP applicant, "Applicant Last Name" has been provided, as well as an account number and service address.

CLOSED ACCOUNTS: If, at the time the LIHEAP benefit is to be applied, and the applicant's reported utility account is closed, you must select and complete one of the three options below:

- 1.) A match can be made with an applicant's new account within the same utility company.
- 2.) If the account is CLOSED with an outstanding balance owed, a partial payment can be made and the difference refunded to CSD with a notation on your printout.
- 3.) If the account is CLOSED with no outstanding balance, the total amount of LIHEAP benefit should be returned to CSD with a notation on your printout.

HOW TO NOTIFY CSD OF PARTIALS AND/OR NON-MATCHES

1.) **PRINTOUTS:**

- Copy the page of the printout upon which the LIHEAP applicant's name appears.
- Circle the name of the customer of record to whose account the partial payment was applied (See Attachment 2).
- Note beside the LIHEAP payment the amount that is being returned to CSD (the difference between the CSD payment and the returned amount is the amount which was credited to the customer of record). If there is a 100% refund to CSD, note the total LIHEAP payment amount.

- Provide an adding machine tape listing the total amount of money to be refunded to CSD. The tape should include both the individual amounts, as well as a total.
- Return the LIHEAP DIRECT PAYMENT SUMMARY SHEET, which accompanies each run of selected payment records, with the number of partials and/or non-matches (See Attachment 3).
- Attach a check made payable to CSD and return your printout (with partials/non-matches information), adding machine tape, and summary page to:

The Department of Community Services and Development
Energy and Environmental Services
700 North 10th Street
Sacramento, California 95814

2.) Compact Disk (CD)/File Transfer Protocol (FTP)

- If you expect to return the "partial or non-match" information to CSD by CD or File Transfer Protocol (FTP), refer to Attachment 4 for more specific instructions on how to code the record.

WHAT IF ALL RECORDS ARE MATCHES

If you find that all records on a specific run are matches to your client database, you need to notify CSD on the LIHEAP Direct Payment Summary. In the case of a 100% match, the figure in the "Run \$ Total" column would be the same amount as the amount in the "Total \$ Match" column (Attachment 3).

ATTACHMENT 2

DATE: 05/03/2006

PAGE: 1

DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT
2006 HOME ENERGY ASSISTANCE PROGRAM
(Federally Funded Programs)

UTILITY COMPANY NAME

Pay Run on 05/03/2006

ACCOUNT NUMBER	PAY AMT	CUSTOMER OF RECORD	SERVICE ADDRESS	APPLICANT LAST NAME	DLN
4257809602625000003301	\$236.00	MELLISA CASTRO	2625 S MAIN ST LOS ANGELES, CA 95678	CASTRO	062780500001484
1099766500156000000401	\$294.00	LUIS ABUNDIZ	156 W 82 ST LOS ANGELES, CA 90003	ABUNDIZ	060630500002812
GRAND TOTAL:	\$530.00				

DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

700 North 10th Street, Room 258
 Sacramento, CA 95814-0338
 (916) 341-4200
 (916) 341-4203 (FAX)
 (916) 327-6318 (TDD)



ATTACHMENT 3

2006 HEAP DIRECT PAYMENT SUMMARY

PLEASE COMPLETE FOR EACH DIRECT PAYMENT BATCH

CSD RUN DATE (THIS DATE IS ON THE TOP LEFT HAND CORNER OF THE PRINT- OUTS)	(A) TOTAL DOLLAR AMOUNT FROM CSD (THIS IS THE CHECK AMOUNT THAT WAS SENT WITH THIS RUN DATE NOTE: THIS AMOUNT SHOULD MATCH THE PRINT- OUT)	(B) TOTAL DOLLAR AMOUNT BEING RETURNED CSD (ENTER THE AMOUNT OF THE CHECK THAT WILL BE RETURNED TO CSD WITH THIS FORM)	(C) TOTAL NUMBER OF RECORDS BEING RETURNED TO CSD (ENTER THE NUMBER OF RECORDS THAT WILL BE RETURNED TO CSD WITH THIS FORM)	(D) TOTAL DOLLARS THAT MATCHED (THIS IS THE AMOUNT THAT YOU STARTED WITH, MINUS ANY RETURN DOLLARS, EQUALS TOTAL DOLLARS MATCHED A- B=D)
01/25/06				

COMPLETED BY: _____ PHONE: _____

UTILITY COMPANY: _____ DATE: _____

PLEASE RETURN THIS SUMMARY SHEET WITH PRINT-OUTS AND CHECK (FOR NON-MATCHES)
 NO LATER THAN 10 DAYS FOLLOWING RECEIPT FROM CSD

PLEASE RETURN SUMMARY SHEET TO: STELLA AVILA, ENERGY SERVICES
 HOME ENERGY ASSISTANCE PROGRAM
 700 N 10TH STREET
 SACRAMENTO, CA 95814

IF YOU HAVE ANY QUESTION PLEASE CONTACT
 STELLA AVILA (916) 341-4255

CSD Use ONLY

CHECK NUMBER		DATE RECEIVED SUMMARY		DATE SENT TO ITS	
\$ AMOUNT RETURNED					

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50		
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RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
DIRECT PAYMENT PROGRAM AGREEMENT WITH THE
STATE OF CALIFORNIA DEPARTMENT OF COMMUNITY
SERVICES AND DEVELOPMENT FOR THE TERM OF
JULY 1, 2006 THROUGH JUNE 30, 2009

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Direct Payment Program Agreement between the City of Lodi and the State of California Department of Community Services and Development; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby authorizes the City Manager to execute the agreement on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that this agreement shall be in effect for the term July 1, 2006 through June 30, 2009.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution authorizing the City Manager to execute an Amended and Restated Project Agreement No. 5 for the Participation in the WestTTrans Open Access Same Time Information System (OASIS) (EUD)

MEETING DATE: June 21, 2006

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to execute an Amended and Restated Project Agreement No. 5 (PA 5) for the Participation in the WestTTrans OASIS effective May 1, 2006.

BACKGROUND INFORMATION: TANC and certain of its members (participating members), including Lodi, entered into PA 5 on August 23, 2004 for the implementation of an OASIS for transmission service offered pursuant to the TANC Open Access Transmission Tariff. TANC implemented the OASIS on December 1, 2005 by becoming a member of the WestTTrans OASIS, a voluntary coalition of transmission providing entities in the Western Interconnection. TANC began offering transmission on the WestTTrans OASIS on January 1, 2006. The modifications to PA 5 include minor, "clean-up" changes and a change to the formula by which transmission sales revenues are allocated to participating members under certain situations as described below.

PA 5 defines how revenues received from the sale of transmission on the OASIS are to be allocated among participating members. Based on several months of operating experience with the OASIS, TANC has identified a need to amend the revenue allocation provision in PA 5 to address situations in which a participating member purchases transmission from the OASIS that the participating member had earlier offered, a situation that may be described as a "buy-back" of offered transmission. The current allocation provision in PA 5 would allocate revenues received from all transmission sales on the OASIS, which would include buy-backs, to all participating members that had posted transmission offers coterminous with the sale. The amended PA 5 modifies the allocation in cases of transmission buy-backs so that revenues received in such a situation would be first allocated to the participating member that purchased the transmission. In effect, the participating member would first pay itself for the transmission buy-back rather than splitting the revenues with other participating members. Revenues received from any purchases in excess of what the participating member had offered would be allocated among the other participating members that had made transmission available for the time period corresponding to the sale.

The amended and restated PA 5 has been developed over the past several weeks in consultation with the TANC OASIS Ad Hoc Committee, and on May 8, 2006, the TANC Contracts Committee acted to recommend the proposed modifications for approval by the TANC Commission. On May 17, 2006, the

APPROVED: _____
Blair King, City Manager

TANC Commission approved the amended PA 5. As these changes are unopposed by any TANC Member, it is respectfully requested that the City Council adopt the attached resolution.

FISCAL IMPACT: None

FUNDING AVAILABLE: None

George F. Morrow, Electric Utility Director

PREPARED BY: Sondra Huff, Sr Rate Analyst

GFM/SH/kt
Attachments

**TRANSMISSION AGENCY OF NORTHERN CALIFORNIA
AMENDED AND RESTATED PROJECT AGREEMENT NO. 5
FOR THE PARTICIPATION IN THE WESTTRANS OASIS**

PREAMBLE

This Project Agreement No. 5 ("Agreement") originally entered into as of August 23, 2004, and amended and restated effective as of May 1, 2006, by and among the Transmission Agency of Northern California, hereinafter referred to as "TANC"; and the Cities of Alameda, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah; the Modesto Irrigation District; the Turlock Irrigation District; and the Plumas-Sierra Rural Electric Cooperative, TANC Members hereinafter collectively referred to as the "Participating Members," with regard to the following:

RECITALS

WHEREAS:

A. TANC owns Transfer Capability on the California Oregon Transmission Project that is not under the control of the California Independent System Operator.

B. TANC desires to enhance transmission availability in California by making the Participating Members' unused and unencumbered Transfer Capability available for use by other entities in an open and efficient manner and in accordance with the TANC Open Access Transmission Tariff.

C. On March 31, 2004, a voluntary coalition of transmission providing entities in the Western Interconnection began offering access to their transmission systems on a single OASIS site, known as the westTTrans OASIS. This cooperative effort includes alignment of business practices and processes between all transmission providers to the greatest extent possible, while retaining the individual Open Access

Transmission Tariffs of each transmission provider. A primary benefit of this effort is the enhancement of the transmission market within the Western Interconnection.

D. TANC and its Participating Members have concluded that it is in their interest and the interest of electricity customers in the state for TANC to participate as a Transmission Provider on the westTTrans OASIS. Based on discussions with Open Access Technologies, Inc. the operator of the westTTrans OASIS, TANC has concluded that TANC's designation of a TANC OASIS Administrator will be necessary to facilitate TANC Members' sales of available Transfer Capability on westTTrans OASIS.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this Agreement, TANC and the TANC Members that will be Participating Members and have signed below hereby agree as follows:

AGREEMENT

1. SERVICE AGREEMENTS

TANC is hereby authorized and directed to act on behalf of the Participating Members to become a participant in the westTTrans OASIS, including the negotiation and execution of a service agreement with Open Access Technologies, Inc, for TANC's participation in the westTTrans OASIS. TANC is additionally authorized and directed to act on behalf of the Participating Members to designate and execute a service agreement with a TANC OASIS Administrator to facilitate TANC's participation in the westTTrans OASIS.

2. SERVICE INITIATION AND OTHER FEES.

A schedule of service fees that includes an initiation fee and a monthly fee associated with services that Open Access Technologies, Inc. will perform, in order for TANC to participate in the westTTrans OASIS, is included in Exhibit A. Fees associated

with the TANC OASIS Administrator functions shall be set forth in the service agreement between TANC and the TANC OASIS Administrator.

Any fees related to the termination of this Agreement shall be allocated to Participating Members in accordance with the provisions of Section 3.

3. ALLOCATION OF PROJECT COSTS TO PARTICIPATING MEMBERS

All costs and expenses associated with this Agreement and all fees or charges for wesTTrans OASIS and the TANC OASIS Administrator service initiation, and wesTTrans OASIS and the TANC OASIS Administrator monthly service will be allocated to the Participating Members in accordance with their Project Agreement No. 3 Participation Percentages prorated after subtracting the percentages of the TANC Members that do not execute this Agreement. Schedules of fees associated with such services are located in Exhibit A and the service agreement between TANC and the TANC OASIS Administrator. TANC, upon receipt of such invoices from Open Access Technologies, Inc. (OATI), and the TANC OASIS Administrator will allocate such initiation and service costs to Participating Members. The allocation percentage for each Member executing this agreement is shown in Exhibit B, attached to and incorporated into this Agreement.

4. ALLOCATION OF NET REVENUES

For the purposes of this Project Agreement No. 5, the term "Transmission Offer" shall mean a specified whole number of megawatts, that in compliance with the procedures under this Agreement, Project Agreement No. 3, and those applicable provisions of the wesTTrans OASIS, the WesTTrans contract with TANC, the service agreement between TANC and the TANC OASIS Administrator, and the service agreement between TANC and Open Access Technologies, Inc., is released by the Participating Member to TANC to be offered for sale, for a period, as designated by the Participating Member. The time period of any Transmission Offer must coincide with

the time period of the actual sale or sales TANC makes, regardless of any difference between the amount offered and the amount TANC succeeds in selling. The TANC OASIS Administrator shall allocate to each Participating Member the revenue received, net of expenses associated with the Transmission Offer, from sale of Transfer Capability by the TANC OASIS Administrator in proportion to each Participating Member's Transmission Offer. In making such allocation, when more than one Participating Member has made a Transmission Offer, the TANC OASIS Administrator shall allocate to each Participating Member that made a Transmission Offer, the revenue derived by multiplying the total revenue received from the sale or sales coinciding with the time period during which more than one Transmission Offer has been made, by the fraction resulting from the division of each such Participating Member's Transmission Offer by the sum of the Transmission Offers made during the coincident time period of the sale or sales.

Notwithstanding the foregoing paragraph, should a Participating Member (Purchasing Member) purchase transmission through the wesTTrans OASIS site for any period, the revenue from such a purchase shall first be allocated to that Purchasing Member to the extent that the Purchasing Member has made a Transmission Offer for the period. If the transmission purchase is greater than the amount of the Purchasing Member's Transmission Offer, the remaining revenue shall be allocated to the other Participating Members who submitted Transmission Offers in the same time period by multiplying the remaining revenue received from the sale by the fraction resulting from the division of each such Participating Member Transmission Offer by the sum of the Transmission Offers made during the time period of the purchase, excluding the Transmission Offer of the Purchasing Member. For the purpose of allocating revenue from other transmission purchases during the period, the Purchasing Member's Transmission Offer will be reduced by the amount it purchased through the wesTTrans OASIS.

The TANC Commission may modify the allocation of revenue as delineated in the preceding paragraphs by an affirmative vote of the Participating Members representing 65% of the Cost Allocation Percentages as indicated in Exhibit B.

Revenue resulting from the sale of the Participating Members' offered Transfer Capability shall be distributed by the TANC OASIS Administrator to each Participating Member not in default of any obligation to TANC, according to the timelines contained in the service agreement between TANC and the TANC OASIS Administrator. The TANC OASIS Administrator may set off amounts due TANC or the TANC OASIS Administrator from revenues due a Participating Member in default in accordance with Section 9 of this agreement.

5. COORDINATION WITH TANC OASIS ADMINISTRATOR

Participating Members agree to coordinate with the TANC OASIS Administrator to (1) provide information regarding available Transfer Capability, credit policies, and other information as may be reasonably deemed necessary by the TANC OASIS Administrator in the performance of its duties to facilitate TANC's participation on behalf of Participating Members in wesTTrans OASIS, to collect the revenues from transmission customers, and (2) to perform the financial settlements among Participating Members of fees and revenues associated with the participation in the wesTTrans OASIS.

Each Participating Member agrees to provide to the TANC OASIS Administrator the available Transfer Capability it desires to post for sale on the wesTTrans OASIS as a Transmission Offer in accordance with the procedures, timelines, and formats as mutually agreed to by the Participating Members and the TANC OASIS Administrator, as those may be modified from time to time by agreement of the participating members.

6. TERM AND TERMINATION.

This Agreement shall take effect as of the date hereof and shall remain in full force and effect for a minimum of twelve months from the date that TANC initiates service on the wesTTrans OASIS. Following the initial twelve-month period, any Participating Member may terminate its participation in this Agreement upon sixty days written notice to TANC, after which time TANC shall no longer participate on behalf of the terminating Participating Member in the wesTTrans OASIS. The terminating Participating Member shall be obligated to pay its share of all project costs and liabilities pursuant to Section 3 of this Agreement incurred in connection with the provision of services provided up to the date when the Participating Member's termination becomes effective, as well as for contingent liabilities that occurred prior to but may arise after the date of termination, regardless of when the fees are assessed to TANC or the contingency is liquidated, and in accordance with the Participation Percentages shown in Exhibit B if fixed in nature, or the Schedule of Service Fees, if variable. The terminating Participating Member not in default shall be entitled to its share of all transmission revenues derived from TANC's sales of Transfer Capability on the wesTTrans OASIS made up to the date when the Participating Member's termination becomes effective, in accordance with the revenue allocation procedures described in Section 4 of this Agreement.

In the event that one or more Participating Members terminates its participation in this Agreement, the remaining Participating Members may elect to adjust the cost allocation percentages shown in Exhibit B. If by the date that any Member's termination of its participation in this Agreement becomes effective the remaining Participating Members have not agreed to adjust the allocation percentages shown in Exhibit B, TANC shall terminate its participation in the wesTTrans OASIS in accordance with termination provisions contained in the service agreement in place between TANC and Open Access Technologies, Inc, or its successor and with the TANC OASIS Administrator.

This Agreement shall automatically continue for an indefinite term unless terminated pursuant to the above provisions.

7. AMENDMENTS

This Agreement may be amended only by the written agreement of all the parties hereto.

8. BILLING AND PAYMENT

With the exception of the service fee associated with the initiation of service with Open Access Technologies, Inc., as presented in Exhibit A, and TANC OASIS Administrator Setup and Testing/Training costs as described in the service agreement between TANC and the TANC OASIS Administrator, the accounting and billing period shall be one (1) calendar month. Monthly bills sent by the TANC OASIS Administrator to a Participating Member shall be sent by United States mail first class, postage prepaid or its equivalent, to the billing address specified in Exhibit C. The designation of any person specified in Exhibit C may be changed at any time by advance notice given to all Participating Members not then in default of any payment due hereunder, TANC, and the TANC OASIS Administrator. A copy of such billing will be sent to TANC.

Billings for amounts payable shall be due on the thirtieth (30th) day after receipt of the bill. Payment shall be made at offices designated by the party to which payment is due. If the due date falls on a non-business day of either party, then the payment shall be due on the next following business day without interest.

Amounts of monthly billings not paid on or before the due date shall be payable with an interest charge calculated from the due date to the date of payment. The interest charge shall be that charge against unpaid amounts due and owing in accordance with this Agreement assessed at an annual interest rate compounded monthly equal to the lesser of (i) two percent (2%) plus the applicable first of the month reference rate or

successor, of the Bank of America N.T. & S.A., San Francisco, California, in effect from time to time during the period over which the payment is overdue or (ii) the maximum interest rate permitted by law.

Payments for the use of TANC's available Transfer Capability shall be collected by the TANC OASIS Administrator and on a monthly basis, fully credited to the Participating Member or Participating Members making such Transfer Capability available, in accordance with the revenue allocations described in Section 4 of this Agreement and the timelines contained in the service agreement between TANC and the TANC OASIS Administrator.

9. DEFAULT

Upon the failure of any Participating Member to meet its obligations hereunder, TANC shall give written notice of the failure to such Participating Member and, if such failure has not been cured within forty-five (45) days after the date of such notice, it shall constitute a default at the expiration of such forty-five (45) day period. Upon such default, TANC may terminate this Agreement as to the defaulting Participating Member, and protect and enforce its rights hereunder by suit or suits in equity or at law, whether for the specific performance of any covenant herein or for damages or in aid of the execution of any power granted herein or any other remedy available under any provision of applicable law. The costs allocation percentages will be adjusted amongst the remaining Participating Members in accordance with the process described in Section 6 of this agreement.

10. INDEMNIFICATION

The Participating Members shall indemnify, defend, and hold harmless TANC, its commissioners, officers, agents, and employees, to the extent provided by law, and the TANC Members that do not execute this Agreement, and their respective governing bodies, officers, agents, and employees, from any liability for personal injury, death,

property damage, contractual or tort liability, regardless of the theory of recovery, to the fullest extent of the law, arising out of the negligent acts or failures to act of TANC, its commissioners, officers, agents, and employees, or of a non-participating TANC Member, its governing body, officers, agents, and employees in connection with this Agreement. Each Participating Member agrees that TANC's commissioners, officers, agents and employees shall not be liable to the Participating Members for direct, indirect or consequential loss or damage suffered by the Participating Members as a result of the performance or nonperformance by TANC or the TANC OASIS Administrator of this Agreement or any agreement with a third party associated with this Agreement. Each Participating Member releases TANC's Commissioners, officers, agents and employees from any claim or liability (whether negligent or otherwise) as a result of any actions or inactions of TANC under this Agreement or the performance or nonperformance by TANC under this Agreement.

11. SEVERABILITY

If any provision of this Agreement is finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall remain in full force and effect as though the invalid provision had not been included herein.

12. MEMBERS' OBLIGATIONS SEVERAL

The obligation of each Participating Member to make payments under this Agreement is a several obligation and not a joint obligation with those of the other Participating Members.

13. WAIVER OF DEFAULT

Any waiver at any time by any party of its rights with respect to a default under this Agreement, or with respect to any other matters arising in connection with this

Agreement, shall not be deemed a waiver with respect to any subsequent default or other matter.

14. WAIVER OF RIGHTS OF REFUSAL

Each Participating Member as to each other, and as to each non-participating TANC Member that delivers a duly authorized and executed waiver in the same form as this section to TANC, does hereby waive and release any and all claim of right to exercise a right of refusal under Section 7 of Project Agreement No. 3 to Transfer Capability offered as a Transmission Offer under this Agreement or, if offered by a non-participating TANC Member, on the westTrans OASIS or a similar OASIS in accordance with the then current Short and Long-Term Layoff Procedures of TANC, provided that such offer is for a period of less than twelve (12) months.

15. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute a single Agreement.

16. SIGNATURES

In witness whereof, the parties have caused this Project Agreement No. 5 to be executed as of the date first above written. The signatories to this Project Agreement No. 5 represent that they have been appropriately authorized to enter into this Project Agreement No. 5 on behalf of the party for whom they sign.

PARTICIPATING MEMBERS

CITY OF ALAMEDA

By: _____

Name: _____

Title: _____

Date: _____

CITY OF HEALDSBURG

By: _____

Name: _____

Title: _____

Date: _____

CITY OF LODI

By: _____

Name: _____

Title: _____

Date: _____

CITY OF LOMPOC

By: _____

Name: _____

Title: _____

Date: _____

MODESTO IRRIGATION DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

CITY OF PALO ALTO

By: _____

Name: _____

Title: _____

Date: _____

CITY OF REDDING

By: _____

Name: _____

Title: _____

Date: _____

CITY OF ROSEVILLE

By: _____

Name: _____

Title: _____

Date: _____

CITY OF SANTA CLARA

By: _____

Name: _____

Title: _____

Date: _____

TURLOCK IRRIGATION DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

CITY OF UKIAH

By: _____

Name: _____

Title: _____

Date: _____

PLUMAS-SIERRA RURAL ELECTRIC
COOPERATIVE

By: _____

Name: _____

Title: _____

Date: _____

TRANSMISSION AGENCY OF NORTHERN
CALIFORNIA

By: _____

Name: _____

Title: _____

Date: _____

NON-PARTICIPATING MEMBERS

SACRAMENTO MUNICIPAL UTILITY
DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT A
SCHEDULE OF SERVICE FEES FOR SERVICES RENDERED BY
OPEN ACCESS TECHNOLOGIES, INC.

COMMON WESTERN OASIS SERVICE			
Description	Service Initiation Fee ¹	Monthly Service Fee ^{2,3}	Comments
TANC as a single entity (All TANC TP's join as TANC and will be one TP on the OASIS)	\$50,000	\$5,000	Provides all functionality in accordance with the Common Western OASIS Functional Specification. Assumes all TP's register as a single NERC entity. For less than 500 OASIS requests per month. 10 User ID's and certificates total.

Price Schedule Notes:

1. Service Initiation Fee will be invoiced upon execution of Common Western OASIS Customer Agreement.
2. Minimum subscription term is 12 months.
3. Monthly Service Fee for each Provider begins at time of OASIS initialization or 30 days after completion of acceptance testing, whichever is earlier.
4. Other OATI subscribed services will continue to be provided under separate OATI Customer Agreements.
5. Any necessary, preapproved travel expenses will be invoiced to Common Western OASIS Service customers at pro-rata OATI actual cost.
6. One day of training provided at OATI Data Center in Minneapolis, MN.
7. The Monthly Service Fee reflected above is the initial monthly fee for the first 12 months of service and may change from time to time there after.

EXHIBIT B
COST ALLOCATION PERCENTAGES

TANC Member	WesTTrans OASIS Service Initiation Fee	WesTTrans OASIS Monthly Service Fee	TANC OASIS Administrator Fees
City of Alameda	1.850 %	1.850 %	1.850 %
City of Healdsburg	0.370 %	0.370 %	0.370 %
City of Lodi	2.622 %	2.622 %	2.622 %
City of Lompoc	0.255 %	0.255 %	0.255 %
City of Palo Alto	5.550 %	5.550 %	5.550 %
City of Redding	11.487 %	11.487 %	11.487 %
City of Roseville	3.184 %	3.184 %	3.184 %
City of Santa Clara	27.976 %	27.976 %	27.976 %
City of Ukiah	0.293 %	0.293 %	0.293 %
Modesto Irrigation District	29.082 %	29.082 %	29.082 %
Plumas-Sierra Rural Electric Cooperative	0.223 %	0.223 %	0.223 %
Turlock Irrigation District	17.124 %	17.124 %	17.124 %

EXHIBIT C
BILLING ADDRESSES OF THE PARTIES

City of Alameda
Alameda Power & Telecom
P.O. Box H
Alameda, CA 94501-0263

City of Roseville
2090 Hilltop Circle
Roseville, CA 95678

City of Healdsburg
c/o Northern California Power Agency
180 Cirby Way
Roseville, CA 95678

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

City of Lodi
1331 South Ham Lane
Lodi, CA 95242-3995

Turlock Irrigation District
P. O. Box 949
Turlock, CA 95381

City of Lompoc
P.O. Box 8001
Lompoc, CA 93438

City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Modesto Irrigation District
P. O. Box 4060
Modesto, CA 95352

Plumas-Sierra Rural Electric Coop.
73233 Hwy 70
Portola, CA 96122-2000

City of Palo Alto
P. O. Box 10250 MS3C
Palo Alto, CA 94303

Transmission Agency of Northern
California
P. O. Box 661030
Sacramento, CA 95866

City of Redding
17120 Clear Creek Road
Redding, CA 96001-5106

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE
AMENDED AND RESTATED PROJECT AGREEMENT NO.
5, FOR CITY OF LODI PARTICIPATION IN THE
WESTTRANS OPEN ACCESS SAME TIME INFORMATION
SYSTEM (OASIS) THROUGH THE TRANSMISSION
AGENCY OF NORTHERN CALIFORNIA (TANC)

=====

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the City Manager to execute Amended and Restated Project Agreement No. 5 for the City of Lodi participation in the WestTrans Open Access Same Time Information System (OASIS), through the Transmission Agency of Northern California (TANC) Commission.

Dated: June 21, 2006

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I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution amending Lodi Electric Utility Department's rules to parallel the California Public Utilities Commission's rules concerning the amount of liability insurance required for small electrical generators that are interconnected with Lodi's system (EUD)

MEETING DATE: June 21, 2006

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution amending Lodi Electric Utility Department's rules to parallel the California Public Utilities Commission's rules concerning the amount of liability insurance required for small electrical generators that are interconnected with Lodi's system.

BACKGROUND INFORMATION: In March 1989, in the interest of uniform understanding and application, the City Council adopted Resolution 89-29 formalizing the rules and regulations by which electric service is furnished. Periodic reviews are made to ensure the rules and regulations are still pertinent.

EUD's Rule 21 governs the interconnection and parallel operation of non-city-owned cogenerations and small power producers, which are normally referred to as Qualifying Facilities. Rule 21 defines the cost responsibility, liability insurance, power equipment and appurtenances, metering and operating requirements, and other conditions that may be necessary to interconnect a generating facility. Specifically, EUD allows interconnection and operation of non-City-owned generating facilities with needed liability insurance coverage of \$5,000,000 according to existing Rule & Regulation No. 21 section C.2. The insurance requirement seems excessive and prohibitive for small generators like small solar photovoltaic (PV) and wind.

For purposes of establishing reasonable insurance coverage for small generating facilities, staff reviewed the interconnection agreements and procedures of other electric utilities including federal and state agencies as shown in Exhibit 1. EUD recommends amending Rule & Regulation No. 21, Section C.2 to conform to the California Public Utilities Commission Decision No. 00-12-037 with the following liability insurance coverage for small generating facilities:

1. Greater than 100kW = \$2,000,000 per occurrence
2. Greater than 20kW and less than or equal to 100kW = \$1,000,000 per occurrence
3. 20kW or less = \$500,000 per occurrence
4. 10kW or less connected to residential customer = \$200,000 per occurrence

A modified copy of Rule & Regulation No. 21 is shown as Attachment A. The EUD would like to implement these changes after City Council's approval to become effective July 1, 2006.

APPROVED: _____
Blair King, City Manager

Adopt resolution amending Lodi Electric Utility Department's rules to parallel the California Public Utilities Commission's rules concerning the amount of liability insurance required for small electrical generators that are interconnected with Lodi's system (EUD)

June 21, 2006

Page 2 of 2

For relative information, a Qualifying Facility (QFs) is a generating facility which meets the requirements under Public Utility Regulatory Policies Act (PURPA) of 1978 and Part 292 of the Commission's Regulations (18 CFR Pat 292). There are two types of QFs: cogeneration facilities and small power production facilities. A Cogeneration Facility is a generating facility that sequentially produces electricity and another form of useful thermal energy (heat or steam).

A Small Power Production Facility is a generating facility whose primary energy source is renewable (hydro, wind, solar, etc.), biomass, waste, or geothermal resources.

FISCAL IMPACT: None to insignificant impact on bulk power demand.

FUNDING AVAILABLE: Not applicable.

Ruby Paiste, Interim Finance Director

George F. Morrow
Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., P.E., Sr. Power Engineer

GFM/DB/sh
Attachments
cc: City Attorney

Exhibit 1**Comparison of Insurance Provisions**

Facility: Small Generating Facility & QF

General Liability Insurance with:	PG&E	SCE	MISO	CPUC D0012037	IREC	FERC/MPUC	Lodi Electric Utility	
							Existing	Proposed
Generic Small Generator					\$2,000,000.00			
10kW or Less (Residential)	\$ 200,000.00	\$ 200,000.00		\$ 200,000.00		No Insurance	\$5,000,000.00	\$ 200,000.00
20kW or Less	\$ 500,000.00	\$ 500,000.00		\$ 500,000.00				\$ 500,000.00
Greater Than 10kW & Less Than or Equal to 100kW						\$ 500,000.00	\$5,000,000.00	
Greater Than 20kW & Less Than or Equal to 100kW	\$1,000,000.00	\$1,000,000.00		\$ 1,000,000.00				\$1,000,000.00
Greater Than 100kW	\$2,000,000.00	\$2,000,000.00		\$ 2,000,000.00			\$5,000,000.00	\$2,000,000.00
Greater Than 100kW & Less Than or Equal to 1MW						\$1,000,000.00		
Greater Than 1MW & Less Than or Equal to 5MW						\$2,000,000.00		
2MW or less			\$ 5,000,000.00					
Greater Than 5MW						\$5,000,000.00		
Greater Than 2MW & Less Than or Equal to 20MW			\$10,000,000.00					

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING THE
LODI ELECTRIC UTILITY DEPARTMENT (EUD) RULES TO
PARALLEL THE CALIFORNIA PUBLIC UTILITIES COMMISSION
RULES RELATING TO THE AMOUNT OF LIABILITY INSURANCE
REQUIRED FOR SMALL ELECTRICAL GENERATORS THAT
ARE INTERCONNECTED WITH LODI'S SYSTEM

=====

WHEREAS, on March 22, 1989, the City Council adopted Resolution No. 89-29 formalizing the Rules and Regulations by which electric service is furnished; and

WHEREAS, amendments to the Electric Utility Department Rules and Regulations are necessary from time to time; and

WHEREAS, the Electric Utility Department's Rule 21 governs the interconnection and parallel operation of non-City-owned cogenerations and small power producers, which are normally referred to as Qualifying Facilities; and

WHEREAS, EUD's Rule 21 defines the cost responsibility, liability insurance, power equipment and appurtenances, metering and operating requirements, and other conditions that may be necessary to interconnect a generating facility; and

WHEREAS, the Electric Utility Department allows interconnection and operation of non-City-owned generating facilities with needed liability insurance coverage of \$5,000,000 according to existing Rule & Regulation No. 21 section C.2; and

WHEREAS, the insurance requirement seems excessive and prohibitive for small generators like small solar PV and wind; and

WHEREAS, for purposes of establishing a reasonable insurance coverage for small generating facilities, staff reviewed the interconnection agreements and procedures of other electric utilities including federal and state agencies as shown in Exhibit 1; and

WHEREAS, EUD recommends amending Rule & Regulation No. 21, Section C.2 to conform to the California Public Utilities Commission Decision No. 00-12-037 with the following liability insurance coverage for small generating facilities:

1. Greater than 100kW = \$2,000,000 per occurrence
2. Greater than 20kW and less than or equal to 100kW = \$1,000,000 per occurrence
3. 20kW or less = \$500,000 per occurrence
4. 10kW or less connected to residential customer = \$200,000 per occurrence

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby amends Electric Utility Department Rules to parallel the California Public Utilities Commission's rules concerning the amount of liability insurance required for Qualifying small electrical generators that are interconnected with Lodi's system, to become effective July 1, 2006 following City Council approval.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-____



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

RULE AND REGULATION NO. 21

NON-CITY-OWNED PARALLEL GENERATION

A. General

1. The City will interconnect and operate in parallel with co-generators and small power producers as defined in the Federal Energy Regulatory Commission (FERC) Order No.70. Such facilities shall be termed "Qualifying Facilities (QF)."
2. The City has the option of purchasing the power output of such QF or providing facilities and services to allow sale to an adjacent utility with whom the owner of the QF has made prior contractual arrangements for receiving of such power.
3. Nothing in these Rules shall limit the City's ability to evaluate each QF and determine terms and conditions that are mutually satisfactory to all parties and insure safe and effective operation without adverse effects on other customers and City equipment or personnel.

B. Interconnection Costs

1. All costs incurred by the City for interconnection with the QF must be borne by the QF.
2. The QF shall pay all monthly costs incurred by the City and directly associated with having the QF connected to its system, i.e. communication, administration, etc.
3. If the City agrees to provide the means for a QF to sell its power to an adjacent utility, the QF shall pay the facility charge (wheeling cost) periodically to the City for the cost of providing the facilities to sell to an adjacent utility.

C. Liability

1. The QF shall defend, indemnify and hold harmless the City from any and all liability arising from the operation and interconnection of the QF. The QF shall bear full responsibility for the installation and safe operation of the equipment required to generate and deliver energy to the point of interconnection.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

2. The QF shall maintain Worker's Compensation Insurance as required by law.
3. The QF shall maintain Public Liability Insurance covering bodily injury and property damage with a combined single limit of not less than:
 - a. Two million dollars (\$2,000,000) for each occurrence if the Gross Nameplate Rating of the generating facility is greater than one hundred (100) kW;
 - b. One million dollars (\$1,000,000) for each occurrence if the Gross Nameplate Rating of the generating facility is greater than twenty (20) kW and less than or equal to one hundred (100) kW; and
 - c. Five hundred thousand dollars (\$500,000) for each occurrence if the Gross Nameplate Rating of the generating facility is twenty (20) kW or less.
 - d. Two hundred thousand dollars (\$200,000) for each occurrence if the Gross Nameplate Rating of generating facility is ten (10) kW or less and the generating facility is connected to residential customer.
4. Each public liability policy shall name the City as an additional insured. A copy of the said policy or certificate of insurance shall be sent to the City Clerk of the City of Lodi. Provisions shall be made for the City Clerk to be notified within five days of any cancellation of the said insurance policy.
5. The City shall not be liable whether in contract or in tort or under any other legal theory to the owner of a QF, or the owner's customers, or any other person or entity for (1) lost generation revenue, (2) loss of use revenue or profit, (3) cost of capital, (4) substitute use or performance or (5) for any other incidental, indirect, special, or consequential damages.

D. Conditions of Interconnection

1. The City shall allow interconnection between its facilities and QF on a continuing basis as long as the parallel operation of the QF does not degrade, in any way, the quality of electric service provided to the City's other customers. The QF shall insure that its operation in no way creates unsafe conditions either at its facility or on the City's facilities.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

2. The owner of the QF shall enter into a written agreement with the City for interconnection, sale or disposal of its power prior to actual connection and operation of the QF.
3. The QF shall comply with all requirements of the National Electrical Safety Code, American National Standards Institute (ANSI), Institute of Electrical and Electronic Engineers (IEEE), American Society of Mechanical Engineers (ASME), the National Electric Code, General Order No. 95 and all local, state and federal rules and regulations or codes which may be applicable.

E. Interconnection

1. The owner of the QF shall, to the point of interconnection; furnish, install, operate and maintain in good repair and without cost to the City such relays, locks and seals, breakers, automatic synchronizers and other control and protective equipment as shall be designated by the City as suitable for operation of such a facility.
2. The owner of the QF shall provide at no cost to the City a manually operated and lockable, visual disconnect device that shall be for the exclusive use of the City and accessible by City representatives at all times. Usually such device will be an air switch or fused cutouts located near the point of interconnection.
3. The protective switching equipment outlined above in paragraph two (2) may be operated without notice or liability by the City or City representative if, in the opinion of the City or its representative, continued operation of the QF in connection with the utility's system may create or contribute to a system emergency or safety hazard. The City shall endeavor to minimize any adverse effects of such operation on the QF.
4. Any costs of interconnection incurred by the City due to the interconnection of the QF, which are over and above the interconnection costs that would be incurred due to the connection of a comparable non-generating customer, shall be the responsibility of the QF. Special modifications to the City's system may be required if the generator output is large in relation to the feeder capacity. It may be necessary to build a new feeder or re-conductor to the nearest substation that is large enough to accommodate the energy. Station modification may be necessary, such as: voltage check scheme, supervisory control, special protective relaying metering and a new circuit breaker position.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

5. The City shall be advised of the proposed start up and parallel time for such facilities and a City representative shall be in attendance and approve parallel operation. The design requirements may change and will be reviewed in each instance.

F Protective Equipment

The function of protective equipment, such as fuses, relays and circuit breakers, is to promptly remove the in feed from the QF whenever a fault occurs. The protective equipment requirements are not intended to protect the QF from every possible source of damage. The QF may wish to install additional protective equipment to protect its equipment. The requirements have been summarized into three groups with division by the size of the total generation. The division is only approximate and the requirements will be reviewed in each instance.

1. Generator Size Less Than 10 KW:
 - a. The QF is to provide phase over current protection by means of an over current relay or a breaker that provides over current protection on each phase. The generator over current breaker must have the following features, if used:
 1. Thermal, magnetic over current
 2. Under voltage release
 3. Solenoid tripping
 - b. A ground over current sensing scheme must be provided to assure the isolation of the QF from the distribution system in the event a ground fault occurs - on the distribution line. The protection scheme will vary depending on the transformer connection. As an example, a transformer connected Delta on the generator side of the transformer and grounded Wye on the line side, will require a ground over current relay be connected to the high voltage neutral of the transformer.
 - c. Over and under voltage protection is required.
 - d. Electrical relays or mechanical interlocks must be provided to prevent the QF from being connected parallel to the City's system, if the City's system is de-energized



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

2. Generator Size 10 KW - 100 KW:

In addition to the requirements for generators less than 10 kw, under and over frequency protection is required.

3. Generator Size Greater Than 100 KW

In addition to the requirements for generators 10 kw - 100 kw, directional over current voltage restrained relays will be required in lieu of the phase over current relays (51).

G. Power Factor

The power output of the QF must approach unity power factor when operated in parallel with the City's facilities. Equipment shall be installed to correct any deficiencies in power factor by the owner of the QF and at the QF'S expense.

H. Metering Requirements

1. The point of metering shall be the interface of ownership between the QF and the City. Two watt-hour meters with detents will be required, one for sales to the QF by the City and one for sales to the City by the QF. At the City's option, additional metering for generation data collection and reactive measurements may be required. The QF is responsible for furnishing all equipment required to receive the City's metering transformers, meters and other equipment. The customer shall submit his switchboard and metering drawings to the City for approval prior to manufacture.
2. The City 'shall own and maintain all necessary meters and associated equipment utilized for billing and monitoring the QF as well as the customer's load.

I. QF Operating Requirements

This section provides the operating requirements that the QF must follow.

1. The operation of the QF must not reduce the quality of service to other customers. Abnormal voltages, currents, frequencies, or interruptions are not permitted.
2. The QF will at no time energize a de-energized City circuit.
3. The QF shall not bypass or modify any of the protective equipment.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

4. Before the QF attempts to reconnect his system in parallel with the City's system approval from the City Utility Operator must be obtained. Approval is not required if parallel operation ceased due to a lack of sufficient power to the prime mover (such as lack of wind).
5. The QF shall maintain a daily operation log for the generation facility. Such log shall contain information on unit parallel and separation time, maintenance, outages, trip operation and other unusual events. KW and KVAR operating levels may also be required. The City shall have the right to periodically review these logs.
6. The QF is responsible for performing scheduled maintenance on the equipment to keep the facility in proper operating condition. The City reserves the right to inspect the QF.
7. The City reserves the right to discontinue parallel generation with reasonable notice for any of the following reasons:
 - a. The City needs to perform non-emergency maintenance, repair or other work on the City system.
 - b. The QF degrades the quality of service to other customers.
 - c. Inspection of the QF or operation log reveals a hazardous condition or a lack of scheduled maintenance.
8. The City reserves the right to open the main disconnecting device and cease parallel operation without prior notice in the event of a system emergency.

(End)

Effective July 1, 2006



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Authorize Staff to issue Letter of Opposition Relating to AB 573 (Wolk), which would Restrict the Types of Indemnification Clauses that may be Included in a Public Agency Contract with a Design or Engineering Professional or Firm.

MEETING DATE: June 21, 2006 City Council Meeting

PREPARED BY: City Attorney

RECOMMENDED ACTION: That the City Council oppose AB 573, which would restrict the types of indemnification clauses that may be included in a public agency contract with a design or engineering professional or firm.

BACKGROUND INFORMATION: AB 573 is yet another attempt by the State Legislature to direct the terms that a city can negotiate with a contracting party. It represents a disturbing trend by government service firms who do not like the terms they can negotiate to run to the legislature and seek prohibitions on what otherwise should be a market driven transaction. AB 573 would specify an indemnification provision that does not allow a public agency to adequately manage its potential liability, thus limiting the options available to public agencies to protect their taxpayers. Although harmless on its face, limiting cities from demanding indemnity for more than the fault of the design or engineering firm, AB 573 would be detrimental to public agencies because in the typical lawsuit, it will result in refusal by the Architecture and Engineering ("A/E") consulting firm or its insurance carrier to provide a legal defense for the public agency prior to a full trial. Similarly, AB 573 could limit the public agency's benefits under any additional insured provisions in the A/E consulting firm's insurance policy.

AB 573 would benefit A/E consulting firms and their insurance carriers at the expense of the public in two ways. First, the net effect would be to shift to taxpayers legal defense costs that should be borne to varying degrees by A/E consulting firms and their insurance carriers. Second, it would encourage protracted litigation because, as a practical matter, a formal finding of negligence or intentional misconduct will be a prerequisite for the public agency to receive indemnity from the A/E consulting firm or its insurance carrier.

AB 573 would give A/E consulting firms an excuse to deny indemnity to public agency clients where there is any plausible contention that the public agency contributed to the loss, even if the A/E consulting firm was primarily responsible. Under most circumstances the public agency's degree of responsibility for a loss is minor and passive compared to that of the A/E consulting firm that was paid to perform a professional service.

The negotiation of terms between public agencies and A/E consulting firms should be left to the free-play of market forces. AB 573 would preclude negotiation of broader protection, even where the public agency is willing to pay extra for such protection. The competitive market for A/E services is robust. A/E consulting firms are experiencing robust growth and do not need any additional protection from the Legislature. (See, Market Returns to Prosperity, *Engineering News Record*, p.54 (4/18/2005).) Public

APPROVED: _____
Blair King, City Manager

agencies have ample choices for A/E services to deliver their projects. Under these circumstances, it is unnecessary for the Legislature to step in and forbid certain types of indemnity agreements. As with any contract terms, whether the amount of fee or indemnity, A/E consulting firms may always choose to withhold their agreement and do business elsewhere.

In 1997, California enacted AB 994 (Sweeney), which mandated that public agencies include in their Requests for Proposals for A/E services a notice regarding the indemnity provisions that would be included in any professional services agreement. At that time, the A/E consulting firms argued that AB 994 “would give architects up front notice as to any indemnity conditions of the contract so that they can properly recognize those costs in their bids or negotiate with the local agency for a more mutually acceptable indemnity provision.” (See, AB 994 Assembly Bill Analysis.) AB 994 was a fair and reasonable requirement that was not opposed by California local governments. Today, AB 994 works as intended so that A/E consulting firms can choose not to submit a proposal to a public agency if it finds the indemnity provision unacceptable. Thus, the City of Lodi does not believe that further legislation is necessary.

In substance, AB 573 is identical to several prior bills that were rejected or vetoed. (See, for example, SB 1915 (Figuera 2004); AB 1839 (Campbell 2002); AB 1070 (Campbell 1997 – 1998). The sponsors may intend that AB 573 have an appearance of fairness, but if enacted it will actually lead to numerous unintended consequences that are detrimental to California public agencies, including cities. While the sponsors provided several examples of cities that include “fair” indemnification provisions in their contracts, our sampling of some of the cities on the list indicates that those cities were either no longer using those provisions, had used them in a special situation only, or were reviewing their continued use of those provisions.

D. Stephen Schwabauer
City Attorney

FISCAL IMPACT: None.

FUNDING: N/A

CITY HALL
221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6701
(209) 333-6807 FAX

CITY OF LODI
CITY ATTORNEY'S OFFICE

D. STEPHEN SCHWABAUER
City Attorney
JANICE D. MAGDICH
Deputy City Attorney



June 22, 2006

Assembly Member Lois Wolk
State Capitol, Room 6012
Sacramento, California 95814

Re: AB 573 (Wolk) – Indemnification/Design Professionals

Dear Assembly Member Wolk:

On behalf of the City of Lodi, I regret to inform you that the City must respectfully oppose AB 573. This measure would restrict the types of indemnification clauses that may be included in a public agency contract with a design or engineering professional or firm. Instead, it would specify an indemnification provision that does not allow a public agency to adequately manage its potential liability, thus limiting the options available to public agencies to protect their taxpayers.

The basis of the City's opposition is as follows:

The nature, scope and magnitude of risks are unique to each project, whether it is a school, airport, street, bridge, city building, seaport, or hospital. The parties who are in the optimal position to fairly allocate the unique risks of a particular infrastructure project are the public agency and the A/E consultants with which it negotiates. These parties know the site conditions, the design program, the schedule and the capabilities and capacities of each party to effectively manage the project.

AB 573 would be detrimental to public agencies because in the typical lawsuit, it will result in refusal by the A/E consulting firm or its insurance carrier to provide a legal defense for the public agency prior to a full trial. Similarly, AB 573 could limit the public agency's benefits under any additional insured provisions in the A/E consulting firm's insurance policy.

AB 573 would benefit A/E consulting firms and their insurance carriers at the expense of the public in two ways. First, the net effect would be to shift to taxpayers legal defense costs that should be borne to varying degrees by A/E consulting firms and their insurance carriers. Second, it would encourage protracted litigation because, as a practical matter, a formal finding of negligence or intentional misconduct will be a prerequisite for the public agency to receive indemnity from the A/E consulting firm or its insurance carrier.

AB 573 would give A/E consulting firms an excuse to deny indemnity to public agency clients where there is any plausible contention that the public agency contributed to the loss, even if the A/E consulting firm was primarily responsible. Under most circumstances the public agency's degree of responsibility for a loss is minor and passive compared to that of the A/E consulting firm that was paid to perform a professional service.

The negotiation of terms between public agencies and A/E consulting firms should be left to the free-play of market forces. AB 573 would preclude negotiation of broader protection, even where the public agency is willing to pay extra for such protection. The competitive market for A/E services is robust. A/E consulting firms are experiencing robust growth and do not need any additional protection from the Legislature. (See, Market Returns to Prosperity, *Engineering News Record*, p.54 (4/18/2005).) Public agencies have ample choices for A/E services to deliver their projects. Under these circumstances, it is unnecessary for the Legislature to step in and forbid certain types of indemnity agreements. As with any contract terms, whether the amount of fee or indemnity, A/E consulting firms may always choose to withhold their agreement and do business elsewhere.

In 1997, California enacted AB 994 (Sweeney), which mandated that public agencies include in their Requests for Proposals for A/E services a notice regarding the indemnity provisions that would be included in any professional services agreement. At that time, the A/E consulting firms argued that AB 994 "would give architects up front notice as to any indemnity conditions of the contract so that they can properly recognize those costs in their bids or negotiate with the local agency for a more mutually acceptable indemnity provision." (See, AB 994 Assembly Bill Analysis.) AB 994 was a fair and reasonable requirement that was not opposed by California local governments. Today, AB 994 works as intended so that A/E consulting firms can choose not to submit a proposal to a public agency if it finds the indemnity provision unacceptable. Thus, the City of Lodi does not believe that further legislation is necessary.

In substance, AB 573 is identical to several prior bills that were rejected or vetoed. (See, for example, SB 1915 (Figuera 2004); AB 1839 (Campbell 2002); AB 1070 (Campbell 1997 – 1998). The sponsors may intend that AB 573 have an appearance of fairness, but if enacted it will actually lead to numerous unintended consequences that are detrimental to California public agencies, including cities. While the sponsors provided several examples of cities that include "fair" indemnification provisions in their contracts, our sampling of some of the cities on the list indicates that those cities were either *no longer using those provisions*, had used them in a special situation only, or were reviewing their continued use of those provisions.

For these reasons, the City of Lodi must respectfully oppose AB 573. We are willing to continue discussions with the sponsors and your office, but until our basis concerns are resolved, we must respectfully oppose the bill.

Sincerely,

D. STEPHEN SCHWABAUER
City Attorney

DSS/pn

cc: Members and Consultant, Senate Judiciary Committee
Sue Blake, Director of Legislative Affairs, OPR
Patrick Whitnell, Assistant General Counsel, League of California Cities



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution waiving fees for House Fundraiser by Hutchins Street Square Foundation (COM)

MEETING DATE: June 21, 2006

PREPARED BY: Steve Baker, Interim Community Center Director

RECOMMENDED ACTION: Adopt resolution waiving fees for House Fundraiser by Hutchins Street Square Foundation.

BACKGROUND INFORMATION: The Hutchins Street Square Foundation is having a house constructed as a fundraiser for the foundation to be used to support the Square. The Foundation had a similar successful fundraiser over 20 years ago.

The project is a new three-bedroom residence at 1458 Wildwood Drive. The project involves numerous companies and individuals in the construction and development industry who are working together through donations or reduced costs of time and materials, reduced land costs, favorable financing terms and other services to lower the costs of development. The house will be sold to a buyer with the net proceeds of the sale accruing to the Foundation to support the Square.

The Foundation is requesting that the City join this effort and waive permit fees to the extent possible to assist in lowering the development costs. The fees that the City has control over total \$3,158. The City may not waive fees payable to state agencies or for water and wastewater development fees

FISCAL IMPACT: Waived City fees would result in a revenue loss of \$3,158

FUNDING: Not Applicable.

Steve Baker,
Interim Community Center Director

Concurred:
Randy Hatch
Community Development Director

APPROVED: _____
Blair King, City Manager



John Ledbetter
Chairman

Jeffrey Kirst
Vice-Chairman

Julia Gillespie
Secretary

Daphne Felde
Treasurer

Stewart Adams
Bradley Alderson
Dennis Bennett
Charlene Lange
Phil Lenser
Carol Meehleis
Chuck Simpson

Senior Advisors
Bruce Burlington
Norman King
Oneta Lange

Steve Baker
City of Lodi Liaison

June 14, 2006

Lodi City Council
P.O. Box 3006
Lodi, CA 95241-1910

Subject: House Fundraiser - Permit Fee Waiver

The Hutchins Street Square Foundation is currently working with members of the local business community to construct a house for which the sales proceeds will be used to support Hutchins Street Square. A similar successful fundraiser was held 20 years ago.

As the funds raised by this project ultimately benefit the City and the community, we are requesting your support of this worthwhile project by authorizing waiver of the approximately \$3,058.00 in permit fees the City would normally charge for construction of a house. The Hutchins Street Square Foundation has paid the plan check fees in the amount of \$995.54.

More detailed information on this fundraiser is provided in the attached press release.

Sincerely,

J. Jeffrey Kirst, Vice Chair
Hutchins Street Square Foundation

SB/JJK/lm

attachment

Press Release



Contact: Linda McEnerney Hutchins Street Square Fdn. Phone 209.333.5572 Fax 209.367.5461	125 S. Hutchins Street Lodi, CA 95240 www.hutchinsstreetsquare.com
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IMMEDIATE RELEASE

June 13, 2006

Contact: Jeffrey Kirst – (209) 334-4994

Ground will soon be broken in the SunWest Meadows Development for a home which sale proceeds will be donated to Hutchins Street Square according to Chairman John Ledbetter and Project Coordinator Jeffrey Kirst.

Kirst, a member of the Hutchins Street Square Foundation Board announced that construction will begin shortly on the Wildwood Drive site and expected the home to be ready for sale and occupancy in time for the Christmas holidays.

The concept of a home sale was conceived over 20 years ago by fellow board member Dennis G. Bennett, with support from local developers and subcontractors who volunteered a portion of their work and labor to be donated to the project.

This is the second time in the history of the Square that the Lodi building industry has stepped forward to be a major donor. The first home sale was in September, 1984 – Pat and Kathleen Farrington bought the Lodi Park West home. As a result of the sale, the Foundation received a net profit of over \$33,000 with contributions of labor and finances made by 38 individuals, companies and subcontractors involved in the construction of the house.

Leading the charge for the 2006 house is Ysidro Acosta of ACI, Inc. who has volunteered to supervise the job at no cost. Early donors and supporters of the project include Chris Keszler and David Williams, who provided the lot at below market cost, Farmers and Merchants Bank extending excellent lending terms, Placer Title Company, the City of Lodi, Bennett Development, Duran Homes, JFH Design Group and Tokay Development all working together to complete the initial planning, material selection and permitting process.

The new residence will be under construction at 1458 Wildwood Drive. The project home is 2,156 square feet with three bedrooms, master bath, separate office, tiled entry, dining room and arched entry to the living room featuring a gas fireplace and French sliders that spill into the backyard. Granite countertops are a focus in the kitchen, along with crown molding and a two-car garage.

Tradesmen interested in being a part of this community project should contact Jeffrey Kirst at Tokay Development, Inc., (209) 334-4994, for more information.

The ongoing mission of the Hutchins Street Square Foundation is to direct, guide and monitor the continued development and use of the Square for the cultural, social, and educational needs of our entire community. For more information about the Square, please call (209) 333-6782, or visit our website at www.hutchinsstreetsquare.com.

For Immediate Release

more

CITY OF LODI
COMMUNITY DEVELOPMENT DEPARTMENT
Building Inspection Division
(209) 333-6714

FEES AND ASSESSMENTS DUE

Print Date: June 14, 2006

Application/Permit No: **B17483** Type: SFD Detached
Project Address: **1458 WILDWOOD DR**
APN: 058-580-25 Subdivision: CENTURY MEADOWS I-3 Lot No.: 137

PROPERTY OWNER Name: HUTCHINS STREET SQUARE FOUNDATION, A CA NON-PROF Phone: (209) 333-6782	CONTRACTOR Name: UNKNOWN AT THIS TIME Phone: () -
PROJECT MANAGER Name: JEFFREY KIRST Phone: (209) 334-4994	

PROJECT DESCRIPTION

Single family dwelling, 3 bedroom

VALUATION FACTORS

Occupancy	Type	Factor	Sq Feet	Valuation
Dwellings	H * V - Wood Frame	84.71	2,156	\$182,634.76
Private Garages	A * Wood Frame	24.30	512	\$12,441.60
Patio/Covered Area	A * Covered Entry	16.60	24	\$398.40
Totals...			2,692	\$195,474.76*

ACCOUNT ITEM LIST

Fee Description	Account Code	Total Fees	Fees Paid	
Building Permit Fee	3401.5171	1,531.60	.00	Subject to waiver
Electrical Permit Fee	3401.5172	151.14	.00	Subject to waiver
Energy Compliance Surcha	3401.5171	76.58	.00	Subject to waiver
Mechanical Permit Fee	3401.5173	151.14	.00	Subject to waiver
Plan Check Fee	3401.6101	995.54	995.54	Subject to waiver
Plumbing Permit Fee	3401.5174	151.14	.00	Subject to waiver
S.M.I.P. Admin Fee	3401.5171	.98	.00	Subject to waiver
S.M.I.P. Fees	1410.2352	18.57	.00	-----
Wastewater Capacity Fee	1731.6122	6,457.50	.00	-----
Water Meter Deposit	180.2106	325.00	.00	-----
Zoning Plan Review	3401.6102	100.00	.00	Subject to waiver

RECEIVED BY: DATE: TIME:

Total Fees:	\$9,959.19
Total Payments:	\$995.54
Balance Due:	\$8,963.65

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
WAIVING FEES FOR HOUSE FUNDRAISER BY
HUTCHINS STREET SQUARE FOUNDATION

=====

WHEREAS, the Hutchins Street Square Foundation is having a house constructed as a fundraiser for the Foundation to be used to support the Square; and

WHEREAS, the project is a new three-bedroom residence at 1458 Wildwood Drive, and involves numerous companies and individuals in the construction and development industry who are working together through donations or reduced costs of time and materials, reduced land costs, favorable financing terms and other services to lower the costs of development; and

WHEREAS, the house will then be sold to a buyer, with the net proceeds of the sale accruing to the Foundation to support the Square; and

WHEREAS, the Foundation requests that the City join this effort and waive permit fees in the amount of \$3,058 to assist in lowering the development costs.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize staff to waive the permit fees in the amount of \$3,058.00 for the House fundraiser by the Hutchins Street Square Foundation.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 21, 2006 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing to Consider Adoption of Ordinance Establishing Low Income Discounts for Water and Wastewater Ratepayers

MEETING DATE: June 21, 2006

PREPARED BY: City Attorney

RECOMMENDED ACTION: Set Public Hearing for July 5, 2006 to consider adoption of Ordinance establishing Low Income Discounts for Water and Wastewater ratepayers.

BACKGROUND INFORMATION: A question has arisen about whether the City of Lodi's low income discount program (known as SHARE - Ordinance 1750 introduced August 4, 2004), Senior Fixed Income Discount Program (also Ordinance 1750), the establishment of low-income water, sewer and refuse services (Resolution 2004-158 adopted August 4, 2004, and CARE package program (Resolution 2004-159 adopted August 4, 2004) can be funded by the rate structure under proposition 218. This question only applies to the water and wastewater programs because the electric utility is specifically exempted from Proposition 218, and the refuse utility is privately owned and exempt from Proposition 218. Proposition 218 provides that: "The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel." However, I do not believe this language prevents low-income discounts from being funded through the rate structure. First, low-income discounts are ubiquitous in the utility industry: Publicly regulated but privately owned utilities such as electric, gas and phone provide them across the country. Moreover, they provide a bad debt management tool that allows the collection of a portion of a bill that may otherwise never be collected in exchange for a reduced rate, a direct benefit to ratepayers at large. These programs also reduce the cost of bill collection and demands on staff time for collection issues.

Unfortunately, to date, no court has squarely addressed the issue. Based on this uncertainty, Council decided to proceed with an election to validate them. In order to call that election, Council must first hold a public hearing on the program, adopt it and then call for the special election.

FUNDING: Water/Wastewater Funds

D. Stephen Schwabauer
City Attorney

DSS/pn

Attachment

APPROVED: _____

Blair King, City Manager

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolutions Adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2006/07, and Ordering the Levy and Collection of Assessments

MEETING DATE: June 21, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider resolutions adopting the Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2006/07, and order the levy and collection of assessments.

BACKGROUND INFORMATION: Over the past three years, the City Council has formed a total of twelve zones of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (District). The scope of maintenance activities funded by the District include: landscape and irrigation, masonry block walls, street parkway trees, and public park areas. The activities and levy amount vary by zone, as described in the attached report, City of Lodi Consolidated Landscape Maintenance District No. 2003-1, 2006/07 Final Annual Engineer's Report (Report).

The Report describes the general nature, location and extent of the improvements to be maintained and an estimate of the costs of the maintenance, operations, and servicing for the improvements. The Report includes a diagram for the District showing the area and properties proposed to be assessed; an assessment of the estimated costs of the maintenance, operations and servicing for the improvements; and the net levy upon all assessable lots and/or parcels within the District.

Notice of this public hearing was posted in the *Lodi News Sentinel*. Individual notification to the property owners is not required and, therefore, not sent.

The action requested of the City Council is to approve the Final Report and order the levy and collection of the assessments.

FISCAL IMPACT: Funding for preparation of the Report is included in the assessments.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer
RCP/FWS/pmf
Attachment

cc: Steve Schwabauer, City Attorney
Tony Goehring, Parks and Recreation Director
George Bradley, Street Superintendent

APPROVED: _____
Blair King, City Manager



Local Government Solutions



City of Lodi

**Consolidated Landscape Maintenance
Assessment District No. 2003-1**

2006/07 Final Annual Engineer's Report

June 2006

Prepared by

N | B | S

Corporate Office
32605 Highway 79 South, Suite 100
Temecula, CA 92592
(800) 676-7516 phone
(951) 296-1998 fax

Regional Office
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San Francisco, CA 94102
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**CITY OF LODI
CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1**

**221 W. Pine Street
Lodi, California 95240
Phone - (209) 333-6706
Fax - (209) 333-6710**

CITY COUNCIL

Susan Hitchcock, Mayor

Bob Johnson, Mayor Pro Tem

John Beckman, Council Member

Larry D. Hansen, Council Member

Joanne Mounce, Council Member

CITY STAFF

Blair King, City Manager

James Krueger, Deputy City Manager

Susan Blackston, City Clerk

D. Stephen Schwabauer, City Attorney

Ruby Paiste, Interim Finance Director

Richard Prima, Public Works Director

Wally Sandelin, City Engineer

N | B | S

Greg Davidson, Client Services Director

Rick Clark, Project Manager

Shirley Smith, Consultant

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1. ENGINEER'S LETTER

WHEREAS, the City Council of the City of Lodi (the "City"), State of California, directed NBS Government Finance Group, DBA NBS ("NBS") to prepare and file a report presenting plans and specifications describing the general nature, location and extent of the improvements to be maintained, an estimate of the costs of the maintenance, operations and servicing of the improvements for the City of Lodi Consolidated Maintenance Assessment District No. 2003-1 (or the "District") for Fiscal Year 2006/07. The report includes a diagram for the District, showing the area and properties proposed to be assessed, an assessment of the estimated costs of the maintenance, operations and servicing the improvements, and the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received;

NOW THEREFORE, the following assessment is made to cover the portion of the estimated costs of maintenance, operation and servicing of said improvements to be paid by the assessable real property within the District in proportion to the special benefit received:

SUMMARY OF ASSESSMENT

Description	As Preliminarily Approved	As Confirmed by Council
Almondwood Estates - Zone 1 Levy	\$32,810.00	\$32,810.00
Zone 1 Dwelling Unit Equivalents	74	74
Assessment Per DUE	\$443.38	\$443.38
Century Meadows One - Zone 2 Levy	\$44,536.00	\$44,536.00
Zone 2 Dwelling Unit Equivalents	133	133
Assessment Per DUE	\$334.86	\$334.86
Millsbridge II - Zone 3 Levy	\$8,705.00	\$8,705.00
Zone 3 Dwelling Unit Equivalents	40	40
Assessment Per DUE	\$217.64	\$217.64
Almond North - Zone 4 Levy	\$9,643.00	\$9,643.00
Zone 4 Dwelling Unit Equivalents	34	34
Assessment Per DUE	\$283.62	\$283.62
Legacy I, II and Kirst Estates - Zone 5 Levy	\$56,547.00	\$56,547.00
Zone 5 Dwelling Unit Equivalents	223	223
Assessment Per DUE	\$253.58	\$253.58
The Villas - Zone 6 Levy	\$41,406.00	\$41,406.00
Zone 6 Dwelling Unit Equivalents	80	80
Assessment Per DUE	\$517.58	\$517.58
Woodlake Meadow - Zone 7 Levy	\$946.00	\$946.00
Zone 7 Dwelling Unit Equivalents	5	5
Assessment Per DUE	\$189.26	\$189.26

*Where applicable, the actual parcel levy will be rounded to an even amount for County tax roll purposes.

SUMMARY OF ASSESSMENT (continued)

Description	As Preliminarily Approved	As Confirmed by Council
Vintage Oaks - Zone 8 Levy	\$5,028.94	\$5,028.94
Zone 8 Dwelling Unit Equivalents	17	17
Assessment Per DUE	\$295.82	\$295.82
Interlake Square - Zone 9 Levy	\$851.00	\$851.00
Zone 9 Dwelling Unit Equivalents	11	11
Assessment Per DUE	\$77.36	\$77.36
Lakeshore Properties - Zone 10 Levy	\$318.92	\$318.92
Zone 10 Dwelling Unit Equivalents	7	7
Assessment Per DUE	\$45.57	\$45.57
Tate Property - Zone 11 Levy	\$886.00	\$886.00
Zone 11 Dwelling Unit Equivalents	7	7
Assessment Per DUE	\$126.57	\$126.57
Winchester Woods - Zone 12 Levy	\$378.00	\$378.00
Zone 12 Dwelling Unit Equivalents	8	8
Assessment Per DUE	\$47.25	\$47.25

*Where applicable, the actual parcel levy will be rounded to an even amount for County tax roll purposes.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report, Assessments, and the Assessment Diagram herein have been prepared and computed in accordance with the order of the City Council of the City of Lodi.

Wally Sandelin

Wally Sandelin, P.E., Engineer of Work

Date: 6-9-06



Seal

2. OVERVIEW

2.1 Introduction

The City of Lodi ("City") proposes to levy special benefit assessments for the Lodi Consolidated Maintenance Assessment District No. 2003-1 ("District") for Fiscal Year 2006/07. The City currently has consolidated twelve landscape maintenance districts into a single district, the "Lodi Consolidated Maintenance Assessment District No. 2003-1". In response to the provisions of the California Constitution Article XIII C and XIIID (Proposition 218), in 2003 a separate Engineer's Report was prepared for each of the first two Zones (Zones 1 and 2) of the Lodi Consolidated Maintenance Assessment District. The City conducted property owner balloting proceedings for the assessments in Fiscal Year 2004/05. After approval of the assessment by the property owners, the City began to levy and collect special assessments on the County tax rolls to provide continued funding for the costs and expenses required for maintenance of the improvements within the District. In 2004 a separate Engineer's Report was prepared for each of the next five Zones (Zones 3 thru 7) of the Lodi Consolidated Landscape Maintenance Assessment District. The City conducted property owner balloting proceedings for Zones 3 and 4 for the assessments in Fiscal Year 2004/05 and the City conducted property owner balloting proceedings for Zones 5 through 7 in Fiscal Year 2005/06. After approval of the assessment by the property owners, the City began to levy and collect special assessments on the County tax rolls to provide continued funding for the costs and expenses required for maintenance of the improvements within the expanded District. In 2005 a separate Engineer's Report was prepared for the newest five Zones (Zones 8 thru 12) of the Lodi Consolidated Landscape Maintenance Assessment District. The City conducted property owner balloting proceedings for Zones 8 through 12 for the assessments in Fiscal Year 2005/06. Following approval of the assessment by the property owners, the City will now levy and collect special assessments on the County tax rolls to provide continued funding for the costs and expenses required for maintenance of the improvements within the District. The District is levied pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the Act), and in compliance with the substantive and procedural requirements of the California Constitution Article XIIID.

This Engineer's Report ("Report") describes the District and assessments to be levied against properties within the District for Fiscal Year 2006/07. The assessments described herein are based on the estimated cost to operate, to service and to maintain improvements that will provide a direct and special benefit to properties within the District. All improvements to be operated, serviced and maintained through annual assessments were constructed and installed in connection with the development or for the benefit of these properties. The annual costs and assessments described herein include all estimated direct expenditures, incidental expenses, deficits, surpluses, revenues, and reserves associated with the maintenance and servicing of the improvements.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessment Number by the County of San Joaquin Assessor's Office. The County of San Joaquin Auditor/Controller uses Assessment Numbers and specific Fund Numbers to identify properties assessed on the tax roll for special district benefit assessments.

At a noticed Public Hearing, the City Council considered all public comments and written protests presented. Upon conclusion of the Public Hearing, the City Council determined that no valid protest existed. By resolution, the City Council approved the Engineer's Report as submitted or amended (amendments may not increase the assessments approved by the property owners). Following approval of the Report, the City Council, by resolution, confirmed the assessments and ordered the levy and collection of assessments pursuant to the Act. The assessments as approved will be

submitted to the San Joaquin County Auditor/Controller to be included on the property tax roll for each parcel for Fiscal Year 2006/07.

2.2 Effect of Proposition 218

On November 5, 1996, California voters approved proposition 218 by a margin of 56.5% to 43.5%. The provisions of the Proposition, now California Articles XIIC and XIID, add substantive and procedural requirements to assessments, which affect the City of Lodi landscape maintenance assessments.

The proposed assessments for the City of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2006/07 are not proposed to increase over the annual rate escalation factor of the annual San Francisco Bay Area C.P.I. or 5%, which ever is greater, which was approved by property owners following the assessment balloting procedures set forth in Section 4 SEC. 4 of the Proposition.

3. PLANS AND SPECIFICATIONS

3.1 Description of Facilities for Zone 1

Zone 1 is comprised of the Almondwood Estates Subdivision; the facilities within Zone 1 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. A masonry wall and 13.5' wide landscaping area along the east side of Stockton Street from the project's north boundary to Almond Drive, including the angled corner section at Elgin Avenue, approximately 1220 linear feet.
- B. A masonry wall and 13.5' wide landscaping area along the north side of Almond Drive from the project's east boundary westerly to Stockton Street, including the angled corner sections at Blackbird Place and Stockton Street, approximately 340 linear feet.
- C. Street parkway trees located within the public street within the District Zone 1 boundary.
- D. Public park land area of 0.69 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

Zone 1 consists of a 74-lot residential development located in the southeastern portion of the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 1 includes 74 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Almondwood Estates Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Almondwood Estates Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

3.2 Description of Facilities for Zone 2

Zone 2 is comprised of Century Meadows One (Units 2 and 3) the facilities within Zone 2 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. A masonry wall and 13.5' wide landscaping area along the north side of Harney Lane from the project's east boundary to the west boundary, including the 2 angled corner sections at Poppy Drive, approximately 1200 linear feet.
- B. Street parkway trees located within the public street within the District Zone 2 boundary.
- C. Public park land area of 1.24 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

Zone 2 consists of a 133-lot residential development located in the south-central portion of the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel

Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 2 includes 133 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Century Meadows One Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Century Meadows One Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

3.3 Description of Facilities for Zone 3

Zone 3 is comprised of Millsbridge II; the facilities within Zone 3 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. Street parkway trees located within the public street within the District Zone 3 boundary.
- B. Public park land area of 0.30 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per one thousand persons served.

Zone 3 consists of a 27-lot residential development and 5 adjacent parcels (which, when subdivided, will equal 13 Dwelling Unit Equivalents) located in the southwestern portion of the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 3 includes 40 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Millsbridge II Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Millsbridge II Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

3.4 Description of Facilities for Zone 4

Zone 4 is comprised of the Almond North Zone; the facilities within Zone 4 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. Street parkway trees located within the public street within the District Zone 4 boundary.
- B. Public park land area of 0.32 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per one thousand persons served.

Zone 4 consists of a 28-lot residential development, including 6 potential duplex lots and is located in the southeastern portion of the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 4 includes a maximum of 34 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Almond North Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Almond North Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

3.5 Description of Facilities for Zone 5

Zone 5 is comprised of Legacy Estates I, Legacy Estates II and Kirst Estates; the facilities within Legacy Estates I of Zone 5 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. A masonry wall and 13.5' wide landscaping strip, divided by a 4-foot wide meandering sidewalk, along the north side of Harney Lane at the back of lots 10-24 of Legacy Estates I, approximately 950 linear feet.
- B. Street parkway trees located within the public street within the District Zone 5 boundary.
- C. Public park land area of 0.720 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

The facilities within Legacy Estates II of Zone 5, of the District, that will be operated, serviced, maintained and improved are generally described as follows:

- A. A masonry wall and 13.5' wide landscaping strip, divided by a 4-foot wide meandering sidewalk, along the west side of Mills Avenue from the project's southern boundary on Mills Avenue to the intersection of Wyndham Way, approximately 590 linear feet.
- B. A masonry wall and 13.5' wide landscaping strip, divided by a 4-foot wide meandering sidewalk, along the north side of Harney Lane at the back of lots 69-77 of Legacy Estates II, approximately 525 linear feet.
- C. Street parkway trees located within the public street within the District Zone 5 boundary.
- D. Public park land area of 1.31 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

The facilities within Kirst Estates of Zone 5, of the District, that will be operated, serviced, maintained and improved are generally described as follows:

- A. Street parkway trees located within the public street within the District Zone 5 boundary.
- B. Public park land area of 0.06 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

Zone 5 consists of a 77-lot-residential development (Legacy Estates I), a 140-lot residential development (Legacy Estates II) and a 6-lot residential development (Kirst Estates) located in the southwestern portion of the City of Lodi. Each lot benefits equally from the facilities within Zone 5. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel

Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 5 includes 223 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for Zone 5 was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by Zone 5 shall be filed with the City of Lodi and will be incorporated into this report by reference.

3.6 Description of Facilities for Zone 6

Zone 6 is comprised of the Villas; the facilities within Zone 6 of the District that will be operated serviced, maintained and improved are generally described as follows:

- A. A masonry wall and 8.5' wide landscaping area along the east side of Panzani Way from the project's south boundary to the intersection of Porta Rosa Drive, approximately 120 linear feet.
- B. A masonry wall and 27.5 to 43.0-foot variable width landscaping strip, divided by a 4-foot wide meandering sidewalk, along the north side of Harney Lane from Panzani Way to the frontage road, approximately 425 linear feet.
- C. A masonry wall and 15.0 to 44.0-foot variable width landscaping strip, divided by a 4-foot wide meandering sidewalk, along the west of the frontage road and the east side of San Martino Way from Harney Lane to the project's north boundary, approximately 700 linear feet.
- D. Ten 24-foot wide, common access driveways dispersed throughout the residential area, approximately 1200 linear feet.
- E. Parcel B, between lots 1 and 50, a variable width landscaping strip, approximately 250 linear feet.
- F. Street parkway trees located within the public street within the District Zone 6 boundary.
- G. Public park land area of 0.75 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

Zone 6 consists of an 80-lot residential development located in the southeastern portion of the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 6 includes 80 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for The Villas was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by Zone 6 shall be filed with the City of Lodi and will be incorporated into this report by reference.

3.7 Description of Facilities for Zone 7

Zone 7 is comprised of Woodlake Meadow; the facilities within Zone 7 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. Public park land area of 0.05 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per one thousand persons served.

Zone 7 consists of a 5-lot residential development located in the northwestern portion of the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 7 includes 5 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Woodlake Meadow Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Woodlake Meadow Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

All of the preceding special benefits contribute to a specific enhancement and desirability to each of the assessed parcels within the District/Zone, and thereby provide a special enhancement of property values.

3.8 Description of Facilities for Zone 8

Zone 8 is comprised of the Vintage Oaks subdivision and the adjacent parcel to the north (APN 058-230-05); the facilities within Zone 8 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. A masonry wall and 13.5' wide irrigated landscaping strip, including a 4-foot wide sidewalk, extending north and south of the future Vintage Oaks Court along the east side of S. Lower Sacramento Road for a total distance of 252 linear feet.
- B. A 9.5' wide landscaping strip in the east half of the Lower Sacramento Road mediam, west of the District Zone 8 boundary.
- C. Street parkway trees located within the public street (Vintage Oaks Court) within the District Zone 8 boundary.
- D. Public park land area of 1.5895 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

Zone 8 consists of a 15-lot low-density residential development (Vintage Oaks) and a 2-lot low-density residential development (APN 058-230-05) bounded by DeBenedetti Park (APN 058-230-05) to the North, the Sunnyside Estates development to the South, Ellerth E. Larson Elementary School to the East and Lower Sacramento Road to the West. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 8 includes 17 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Vintage Oaks Zone was held and ballots were tabulated at a public hearing where the property owners approved the new

assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Vintage Oaks Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

All of the preceding special benefits contribute to a specific enhancement and desirability to each of the assessed parcels within the District/Zone, and thereby provide a special enhancement of property values.

3.9 Description of Facilities for Zone 9

Zone 9 is comprised of the Interlake Square subdivision; the facilities within Zone 9 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. Street parkway trees located within the public rights-of-way of School Street and Park Street within the District Zone 9 boundary.
- B. Public park land area of 0.10285 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

Zone 9 consists of an 11-lot low-density residential development (Interlake Square) located north of Park Street, generally south of Sierra Vista Place, east of South School Street and generally west of Sacramento Street. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 9 includes 11 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Interlake Square Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Interlake Square Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

All of the preceding special benefits contribute to a specific enhancement and desirability to each of the assessed parcels within the District/Zone, and thereby provide a special enhancement of property values.

3.10 Description of Facilities for Zone 10

Zone 10 is comprised of the Lakeshore Properties subdivision; the facilities within Zone 10 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. Public park land area of 0.06545 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per one thousand persons served.

Zone 10 consists of a 7-lot low-density residential development (Lakeshore Properties) located on the southwest corner of the Lakeshore Drive/Tienda Drive intersection within the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 10 includes 7 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Lakeshore Properties Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Lakeshore Properties Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

All of the preceding special benefits contribute to a specific enhancement and desirability to each of the assessed parcels within the District/Zone, and thereby provide a special enhancement of property values.

3.11 Description of Facilities for Zone 11

Zone 11 is comprised of the Tate Property development; the facilities within Zone 11 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. A masonry wall and 13.5' wide landscaping strip, divided by a 4-foot wide meandering sidewalk, along the north side of Harney Lane, immediately east of Legacy Way, approximately 140 linear feet.
- B. Street parkway trees located within the public street (Legacy Way) within the District Zone 11 boundary.
- C. Public park land area of 0.06545 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per thousand persons served.

Zone 11 consists of a 7-lot low-density residential development located in the northeast corner of the Harney Lane/Legacy Way intersection within the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 11 includes 7 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Tate Property Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Tate Property Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

All of the preceding special benefits contribute to a specific enhancement and desirability to each of the assessed parcels within the District/Zone, and thereby provide a special enhancement of property values.

3.12 Description of Facilities for Zone 12

Zone 12 is comprised of the Winchester Woods subdivision; the facilities within Zone 12 of the District that will be operated, serviced, maintained and improved are generally described as follows:

- A. Public park land area of 0.0612 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per one thousand persons served.

Zone 12 consists of an 8-lot medium-density residential development located generally south of Wimbledon Drive, east of The Oaks apartment complex (APN 060-220-29) and west of Winchester Drive in the southeasterly portion of the City of Lodi. Upon recordation, the description of each lot or parcel shall be assigned an Assessor's Parcel Number and become part of the records of the County Assessor of the County of San Joaquin and such records are, by reference, made part of this Report.

Zone 12 includes 8 Dwelling Unit Equivalents.

In compliance with Proposition 218, an Assessment Ballot procedure for the Winchester Woods Zone was held and ballots were tabulated at a public hearing where the property owners approved the new assessment. As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Winchester Woods Zone shall be filed with the City of Lodi and will be incorporated into this report by reference.

All of the preceding special benefits contribute to a specific enhancement and desirability to each of the assessed parcels within the District/Zone, and thereby provide a special enhancement of property values.

During the installation period for each Zone within the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, the installer of the improvements will maintain the new improvements until the following June 30, or such time as funds are available for maintenance, at which time the new areas shall be incorporated into the areas already being maintained by the District.

4. METHOD OF APPORTIONMENT

4.1 Method of Apportionment

Pursuant to the 1972 Act the costs (assessments) of the District are apportioned by a formula or method that fairly distributes the net amount to be assessed among all parcels in proportion to benefits received from the improvements. The provisions of Article XIII C and XIII D of the California Constitution (Proposition 218) require the agency to separate the general benefit from special benefit, whereas only special benefits may be assessed.

IMPROVEMENT BENEFIT FINDINGS

The annual assessments outlined in the Budget section of this Report are proposed to cover the estimated costs to provide all necessary service, operation, administration and maintenance within the District, by Zone. It has been determined that each assessable parcel within the District receives proportional special benefits from the improvements. All improvements to be maintained and funded through annual assessments were constructed and installed in connection with the development of properties within the District, and each parcel's close and relatively similar proximity to the improvements makes each parcel's special benefit from the improvements similar and proportionate. All the lots and parcels that receive special benefit from the improvements are included within the District.

SPECIAL BENEFITS

The method of apportionment (method of assessment) is based on the premise that each of the assessed parcels within the District receives special benefit from the improvements maintained and financed by District assessments. Specifically, the assessments associated with each Zone are outlined, by Zone, in Section 3 of this Report.

DESCRIPTION OF THE METHOD OF APPORTIONMENT

The District provides operation, service and maintenance to all the specific local improvements and associated appurtenances located within the public right-of-ways in each of the various Zones throughout the District. The annual assessments are based on the historical and estimated cost to operate, to service and to maintain the improvements that provide a special benefit to properties within the District and Zones. The various improvements within each Zone are identified and budgeted separately, including all expenditures, deficits, surpluses, revenues, and reserves.

The assessments outlined in this section represent the proportionate special benefit to each property within the District and the basis of calculating each parcel's proportionate share of the annual costs associated with the District/Zone improvements. The costs associated with the maintenance and operation of special benefit improvements shall be collected through annual assessments from each parcel receiving such benefit. The funds collected shall be dispersed and used for only the services and operation provided to the District.

The basis of determining each parcel's special benefit utilizes a weighting formula commonly known as a Dwelling Unit Equivalent (DUE). The developed single-family residential parcel is used as the base unit for calculation of assessments and is defined as one (1.00) DUE. All other property types are assigned a DUE that reflects their proportional special benefit from the improvements as compared to the single-family residential parcel (weighted comparison).

To determine the DUE for commercial or office parcels, and multiple-residential (greater than 3 units) parcels, a Benefit Unit Factor (BUF) is assigned to each property type. This BUF multiplied by the

parcel's specific acreage determines the parcel's specific DUE. For those commercial or office parcels that are less than 7.5 acres, the corresponding BUF is multiplied by a minimum acreage of 7.5 acres. For those non-residential parcels that are greater than 15.00 acres the corresponding BUF is multiplied by a maximum of 15.00 acres. The following table provides a listing of the various land use types and the corresponding BUF used to calculate a parcel's DUE and proportionate benefit:

4.2 Land Use Benefit Factors

PROPERTY TYPE LAND USE	ASSIGNED BENEFIT UNIT FACTOR
Single Family Residential	1.00 per Unit
Multiple Family Residential (duplex)	2.00 per Unit
Multiple Family Residential (greater than 3 units)	5.00 per Acre
Commercial or Office	
For the First 7.5 Acres	5.00 per Acre
For the Next 7.5 Acres	2.50 per Acre
For All Acreage Over 15 Acres	1.25 per Acre
Exempt	0.00
Other Uses	The DUE Will Be Established As Required

Exempt – Certain parcels, by reason of use, size, shape or state of development, may be assigned a zero DUE which will consequently result in a zero assessment for those parcels for that fiscal year. All parcels having such a zero DUE for the previous fiscal year shall annually be reconsidered to determine if the reason for assigning the zero DUE is still valid for the next fiscal year. Parcels which may be expected to have a zero DUE assigned are typically parcels which are all, or nearly all, publicly landscaped, parcels in public ownership, parcels owned by a public utility company and/or used for public utilities, public parks, public schools, and remainder parcels too small or narrow for reasonable residential or commercial use, unless actually in use.

Area Adjustments – Parcels which have an assessment determined by area and which have a portion of the parcel occupied by public or public utility uses separate from the entitled use and located in easements, prior to the multiplication by the DUE, shall have the area of the parcel adjusted to a usable area to reflect the loss or partial loss of the entitled use in those areas. This reduction shall not apply for normal peripheral and interior lot line public utility easements generally existing over the whole subdivision.

As noted previously, the District is divided into Zones. These Zones encompass specific developments where the properties receive a direct and special benefit from the operation, service and maintenance of those improvements. The basis of benefit and proportionate assessment for all properties within the District is established by each parcel's calculated DUE and their proportionate share of the improvement costs based on their proportionate DUE within the Zone. The method used to calculate the assessments for each Zone is as follows:

$$\text{Total Balance to Levy} / \text{Total DUEs} = \text{Levy per DUE (Levy Rate)}$$

$$\text{Parcel's DUEs} \times \text{Levy per DUE (Levy Rate)} = \text{Parcel Levy Amount}$$

ASSESSMENT RANGE FORMULA

Any new or increased assessments require certain noticing and meeting requirements by law. Prior to the passage of Proposition 218, legislative changes in the Brown Act defined the definition of "new or increased assessment" to exclude certain conditions. These conditions included "any assessment

that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed.” This definition and conditions were later confirmed through SB919 (Proposition 218 implementing legislation).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustments to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District’s proposed assessment for Fiscal Year 2003/04, Fiscal Year 2004/05 and Fiscal Year 2005/06, balloting of property owners was required, pursuant to Proposition 218. The property owner ballots included an assessment to be approved, as well as the approval of an assessment range formula. Property owners within the District approved the proposed assessment and the assessment range formula.

The assessment range formula shall be applied to all future assessments within the District. Generally, if the proposed annual assessment (levy per unit or rate) for the current fiscal year is less than or equal to the “Maximum Assessment” (or “Adjusted Maximum Assessment”), then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the initial Assessment approved by property owners adjusted annually by the following criteria:

1. Beginning in the second fiscal year (Fiscal Year 2004/05, Fiscal Year 2005/06 and Fiscal Year 2006/07) and each fiscal year thereafter, the Maximum Assessment will be recalculated annually.
2. The new adjusted Maximum Assessment for the year represents the prior year's Maximum Assessment adjusted by the greater of:
 - (a) Five percent (5.0%); or,
 - (b) The annual increase in the Consumer Price Index (CPI).

Each year the annual increase in the CPI shall be computed. The increase in CPI is the percentage difference between the CPI of December, 2005 and the CPI for the previous December as provided and established by the Bureau of Labor Statistics (FY 2006/07 CPI increase is 2.03%). This percentage difference (annual difference) shall then establish the allowed increase based on CPI. The Consumer Price Index used shall be based on the CPI established by the Bureau of Labor Statistics for all urban consumers for the San Francisco-Oakland-San Jose Area. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living.

If CPI is less than five percent (5.0%), then the allowable adjustment to the Maximum Assessment is five percent. If CPI is greater than five percent (5.0%), then the allowable adjustment to the Maximum Assessment is based on CPI. The Maximum Assessment is adjusted annually and is calculated independent of the District’s annual budget and proposed annual assessment. Any proposed annual assessment (rate per levy unit) less than or equal to this Maximum Assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year.

The following table illustrates how the assessment range formula shall be applied. For example, if the percentage change in CPI is greater than five percent (5.0%), as in Example 1, then the percentage adjustment to the Maximum Assessment will be by CPI. If the percentage change in CPI is less than five percent (5.0%), as in Example 2, then the percentage adjustment to the Maximum Assessment will be five percent (5.0%).

Examples of Percentage Increases

Example	CPI Calculated Percentage Increase	Standard 5% Increase	Maximum % Increase Without Re- Balloting	Prior Years Maximum Rate Per DUE	Allowed Adjustment Per DUE	Allowed New Maximum Rate Per DUE
1	5.25%	5.00%	5.25%	\$403.00	21.16	\$424.16
2	2.03%	5.00%	5.00%	\$403.00	20.15	\$423.15

As previously illustrated, the Maximum Assessment will be recalculated and adjusted annually. However, the City Council may reduce or freeze the Maximum Assessment at any time by amending the Engineer's Annual Report.

Although the Maximum Assessment will normally increase each year, the actual District assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on District assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessments for the fiscal year does not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment then the assessment is considered an increased assessment. To impose an increased assessment the City Council must comply with the provisions of Proposition 218 (Article XIID Section 4c of the California Constitution). Proposition 218 requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for the District. If the proposed assessment is not approved, the City Council may not levy an assessment greater than the adjusted Maximum Assessment previously established for the District.

5. ESTIMATE OF COSTS

5.1 Description of Budget Items

The following items make up the Estimate of Costs used in determining the Annual Assessments of the District. The specific Zones within the District are shown in Section 3 of this Report. Definitions of maintenance items, words and phrases are shown below:

Fiscal Year – One year period of time beginning July 1st of a given year and ending June 30th of the following year.

Landscape Maintenance Labor – The estimated cost of labor necessary for maintaining and servicing the trees, shrubs, turf and ground cover areas within the District.

Maintenance Materials & Supplies – The estimated cost of materials necessary for maintaining, cleaning and servicing the landscaped areas and parklands within the District.

Irrigation Water – The cost of water used for irrigating the landscaping improvements of the District.

Utilities – The cost of electricity used for irrigation within the District.

Equipment Maintenance & Operation – The cost of materials and labor necessary for maintaining, repairing, and operating equipment (includes vehicles, benches, playground equipment, graffiti and litter removal, etc.) used for all aspects of maintenance in the District.

Maintenance Personnel – The estimated cost for District personnel to perform maintenance duties within the District.

Contract Maintenance – The estimated cost to perform contracted maintenance duties within the District.

Consultants – Costs associated with outside consultant fees in order to comply with Assessment Law and placement of assessment onto the San Joaquin County Tax Roll each year.

County Administration – Costs of the County of San Joaquin related to the placement of assessments on the tax roll each year.

Insurance – The estimated costs to provide insurance for District personnel and staff.

Reserves/Contingencies – An amount of 50% of the maintenance costs may be included to build a Reserve and Contingency Fund. The Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, commencing with Section 22500, allows the District assessments to "...include a reserve which shall not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year, or whenever the city expects to receive its apportionment of special assessments and tax collections from the county, whichever is later."

Total Parcels – Represents the total number of parcels physically within the District/Zone boundaries.

Total Dwelling Unit Equivalents – Dwelling Unit Equivalent (DUE) is a numeric value calculated for each parcel based on the parcel's land use. The DUE shown in the District/Zone budget represents the sum total of all parcels' DUE that receive benefit from the improvements. Refer to Section III for a more complete description of DUE.

Levy per DUE – This amount represents the rate being applied to each parcel's individual DUE. The Levy per Dwelling Unit Equivalent, is the result of dividing the total Balance to Levy, by the sum of the District DUEs, for the Fiscal Year. This amount is always rounded down to the nearest even penny for tax bill purposes.

5.2 District Budget

Zone 1 – Almondwood Estates Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$ 0.00	\$15,136.00
MASONRY BLOCK WALLS:	0.00	500.00
STREET TREES:	0.00	2,385.00
PARK MAINTENANCE:	0.00	8,247.00
ADMINISTRATION COSTS:	0.00	3,542.00
BUDGET TOTAL	\$29,878.20	\$29,810.00
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>\$3,000.00</u>	<u>\$3,000.00</u>
BALANCE TO LEVY:	\$32,878.20	\$32,810.00

Zone 2 – Century Meadows One Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$14,875.00
MASONRY BLOCK WALLS:	0.00	500.00
STREET TREES:	0.00	6,210.00
PARK MAINTENANCE:	0.00	14,822.00
ADMINISTRATION COSTS:	0.00	4,629.00
BUDGET TOTAL	\$41,222.58	\$41,036.00
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>\$3,500.00</u>	<u>3,500.00</u>
BALANCE TO LEVY:	\$44,722.58	\$44,536.00

Zone 3 – Millsbridge II Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$500.00
MASONRY BLOCK WALLS:	0.00	0.00
STREET TREES:	0.00	1,296.00
PARK MAINTENANCE:	0.00	4,702.00
ADMINISTRATION COSTS:	0.00	1,707.00
BUDGET TOTAL	\$13,744.02	\$8,205.00
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>500.00</u>	<u>500.00</u>
BALANCE TO LEVY:	\$14,244.02	\$8,705.00

Zone 4 – Almond North Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$3,360.00
MASONRY BLOCK WALLS:	0.00	0.00
STREET TREES:	0.00	864.00
PARK MAINTENANCE:	0.00	3,789.00
ADMINISTRATION COSTS:	0.00	1,630.00
BUDGET TOTAL	\$12,107.52	\$9,643.00
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>0.00</u>	<u>0.00</u>
BALANCE TO LEVY:	\$12,107.52	\$9,643.00

Zone 5 – Legacy I, Legacy II & Kirst Estates Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$21,840.00	\$21,840.00
MASONRY BLOCK WALLS:	500.00	500.00
STREET TREES:	8,267.00	8,267.00
PARK MAINTENANCE:	24,852.00	24,851.00
ADMINISTRATION COSTS:	7,312.00	7,312.00
BUDGET TOTAL	\$62,771.00	\$62,770.00
CONTRIBUTION FROM RESERVES:	(\$7,223.00)	(\$7,223.00)
CONTRIBUTION TO RESERVES:	<u>1,000.00</u>	<u>1,000.00</u>
BALANCE TO LEVY:	\$56,548.00	\$56,547.00

Zone 6 – The Villas Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$22,784.00
MASONRY BLOCK WALLS:	0.00	800.00
STREET TREES:	0.00	1,645.00
PARK MAINTENANCE:	0.00	8,915.00
ADMINISTRATION COSTS:	0.00	3,762.00
BUDGET TOTAL	\$42,716.00	\$37,906.00
CONTRIBUTION FROM RESERVES:	\$500.00	\$500.00
CONTRIBUTION TO RESERVES:	<u>3,000.00</u>	<u>3,000.00</u>
BALANCE TO LEVY:	\$46,216.00	\$41,406.00

Zone 7 – Woodlake Meadow Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$60.00
MASONRY BLOCK WALLS:	0.00	0.00
STREET TREES:	0.00	0.00
PARK MAINTENANCE:	0.00	557.00
ADMINISTRATION COSTS:	0.00	329.00
BUDGET TOTAL	\$953.60	\$946.00
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>0.00</u>	<u>0.00</u>
BALANCE TO LEVY:	\$953.60	\$946.00

Zone 8 – Vintage Oaks Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$1,744.00
MASONRY BLOCK WALLS:	0.00	300.00
STREET TREES:	0.00	468.00
PARK MAINTENANCE:	0.00	0.00
ADMINISTRATION COSTS:	<u>0.00</u>	<u>891.94</u>
BUDGET TOTAL	\$5,458.90	\$3,403.94
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>1,625.00</u>	<u>1,625.00</u>
BALANCE TO LEVY:	\$7,083.90	\$5,028.94

Zone 9 – Interlake Square

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$0.00
MASONRY BLOCK WALLS:	0.00	0.00
STREET TREES:	0.00	244.00
PARK MAINTENANCE:	0.00	0.00
ADMINISTRATION COSTS:	<u>0.00</u>	<u>607.00</u>
BUDGET TOTAL	\$2,182.00	\$851.00
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>0.00</u>	<u>0.00</u>
BALANCE TO LEVY:	\$2,182.00	\$851.00

Zone 10 – Lakeshore Properties Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$0.00
MASONRY BLOCK WALLS:	0.00	0.00
STREET TREES:	0.00	0.00
PARK MAINTENANCE:	0.00	0.00
ADMINISTRATION COSTS:	<u>0.00</u>	<u>318.92</u>
BUDGET TOTAL	\$1,165.92	\$318.92
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>0.00</u>	<u>0.00</u>
BALANCE TO LEVY:	\$1,165.92	\$318.92

Zone 11 – Tate Property Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$186.00
MASONRY BLOCK WALLS:	0.00	23.00
STREET TREES:	0.00	102.00
PARK MAINTENANCE:	0.00	0.00
ADMINISTRATION COSTS:	<u>0.00</u>	<u>438.00</u>
BUDGET TOTAL	\$1,596.00	\$749.00
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>137.00</u>	<u>137.00</u>
BALANCE TO LEVY:	\$1,733.00	\$886.00

Zone 12 – Winchester Woods Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS:	\$0.00	\$0.00
MASONRY BLOCK WALLS:	0.00	0.00
STREET TREES:	0.00	0.00
PARK MAINTENANCE:	0.00	0.00
ADMINISTRATION COSTS:	<u>0.00</u>	<u>378.00</u>
BUDGET TOTAL	\$1,170.00	\$378.00
CONTRIBUTION FROM RESERVES:	\$0.00	\$0.00
CONTRIBUTION TO RESERVES:	<u>0.00</u>	<u>0.00</u>
BALANCE TO LEVY:	\$1,170.00	\$378.00

Total District Budget

ACCOUNT DESCRIPTION	MAXIMUM ASSESSMENT	2006/07 BUDGET
OPERATION COSTS: ⁽¹⁾	\$0.00	\$80,484.00
MASONRY BLOCK WALLS:	0.00	2,623.00
STREET TREES:	0.00	21,481.00
PARK MAINTENANCE:	0.00	65,883.00
ADMINISTRATION COSTS: ⁽²⁾	0.00	25,545.86
BUDGET TOTAL	\$214,966.08	\$196,016.86
CONTRIBUTION FROM RESERVES:	(\$7,223.00)	(\$7,223.00)
CONTRIBUTION TO RESERVES: ⁽³⁾	<u>13,262.00</u>	<u>13,262.00</u>
BALANCE TO LEVY:	\$221,005.08	\$202,055.86

⁽¹⁾ Includes landscape maintenance, repair, replacement, water and electricity costs.

⁽²⁾ Includes Consultants, City & County administration, publication costs and contingency.

⁽³⁾ Includes landscape and masonry wall replacement costs.

5.3 Landscape & Wall Reserve Information

Zone 1 Landscape & Wall Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance– June 30, 2006	\$300.00
Contribution to Landscape Reserve	500.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$ 800.00
Wall Reserve Beginning Balance– June 30, 2006	\$4,286.40
Contribution to Wall Reserve	2,500.00
WALL RESERVE ENDING BALANCE – JUNE 30, 2007	\$6,786.40
TOTAL RESERVES ENDING BALANCE – JUNE 30, 2007	\$7,586.40

Zone 2 Landscape & Wall Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance– June 30, 2006	\$1,008.00
Contribution to Landscape Reserve	500.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$1,508.00
Wall Reserve Beginning Balance– June 30, 2006	\$11,000.00
Contribution to Wall Reserve	3,000.00
WALL RESERVE ENDING BALANCE – JUNE 30, 2007	\$14,000.00
TOTAL RESERVES ENDING BALANCE – JUNE 30, 2007	\$15,508.00

Zone 3 Landscape Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance – June 30, 2006	\$141.26
Contribution to Landscape Reserves	500.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$ 641.26

Zone 4 Landscape Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance – June 30, 2006	\$141.26
Contribution to Landscape Reserves	0.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$ 141.26

Zone 5 Landscape & Wall Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance– June 30, 2006	\$1,199.46
Contribution to Landscape Reserve	500.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$1,699.46
Wall Reserve Beginning Balance– June 30, 2006	\$2,500.00
Contribution to Wall Reserve	500.00
WALL RESERVE ENDING BALANCE – JUNE 30, 2007	\$3,000.00
CONTRIBUTION FROM RESERVES	(\$7,223.00)
TOTAL RESERVES ENDING BALANCE – JUNE 30, 2007	(\$2,523.54)

Zone 6 Landscape & Wall Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance– June 30, 2006	\$300.00
Contribution to Landscape Reserve	500.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$ 800.00
Wall Reserve Beginning Balance– June 30, 2006	\$4,100.00
Contribution to Wall Reserve	3,000.00
WALL RESERVE ENDING BALANCE – JUNE 30, 2007	\$7,100.00
TOTAL RESERVES ENDING BALANCE – JUNE 30, 2007	\$7,900.00

Zone 7 Landscape Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance – June 30, 2006	(\$214.58)
Contribution to Landscape Reserves	0.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	(\$214.58)

Zone 8 Landscape & Wall Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance– June 30, 2006	\$0.00
Contribution to Landscape Reserve	990.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$990.00
Wall Reserve Beginning Balance– June 30, 2006	\$0.00
Contribution to Wall Reserve	635.00
WALL RESERVE ENDING BALANCE – JUNE 30, 2007	\$635.00
TOTAL RESERVES ENDING BALANCE – JUNE 30, 2007	\$1,625.00

Zone 9 Landscape Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance – June 30, 2006	\$0.00
Contribution to Landscape Reserves	0.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$0.00

Zone 10 Landscape Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance – June 30, 2006	\$0.00
Contribution to Landscape Reserves	0.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$0.00

Zone 11 Landscape & Wall Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance– June 30, 2006	\$0.00
Contribution to Landscape Reserve	39.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$39.00
Wall Reserve Beginning Balance– June 30, 2006	\$0.00
Contribution to Wall Reserve	\$98.00
WALL RESERVE ENDING BALANCE – JUNE 30, 2007	\$98.00
TOTAL RESERVES ENDING BALANCE – JUNE 30, 2007	\$137.00

Zone 12 Landscape Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance – June 30, 2006	\$0.00
Contribution to Landscape Reserves	0.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$0.00

Total District Landscape & Wall Reserve Information

DESCRIPTION	AMOUNT
Landscape Reserve Beginning Balance– June 30, 2006	\$2,875.40
Contribution to Landscape Reserve	3,529.00
LANDSCAPE RESERVE ENDING BALANCE – JUNE 30, 2007	\$6,404.40
Wall Reserve Beginning Balance– June 30, 2006	\$21,886.40
Contribution to Wall Reserve	9,733.00
WALL RESERVE ENDING BALANCE – JUNE 30, 2007	\$31,619.40
CONTRIBUTION FROM RESERVES	(\$7,223.00)
TOTAL RESERVES ENDING BALANCE – JUNE 30, 2007	\$30,800.80

6. ASSESSMENT DIAGRAMS

Assessment Diagrams for the City of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 have been submitted to the City Clerk in the format required under the provisions of the Act and, by reference, are made part of this Report. The lines and dimensions shown on maps of the County Assessor of the County of San Joaquin, Assessors parcel maps for the current year, are shown as follow:

7. PARCEL LISTING

The parcel listing of assessments is provided on the following pages by Zone. The description of each lot or parcel as part of the records of the County Assessor of the County of San Joaquin are, by reference, made part of this Report.

CITY OF LODI
ALMONDWOOD ESTATES - ZONE 1
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

	APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
1	062-610-010-000	SFR	n/a	1.00	\$423.14	\$303.00	\$444.31	\$444.30	\$443.38	\$443.38
2	062-610-020-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
3	062-610-030-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
4	062-610-040-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
5	062-610-050-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
6	062-610-060-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
7	062-610-070-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
8	062-610-080-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
9	062-610-090-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
10	062-610-100-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
11	062-610-110-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
12	062-610-120-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
13	062-610-130-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
14	062-610-140-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
15	062-610-150-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
16	062-610-160-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
17	062-610-170-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
18	062-610-180-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
19	062-610-190-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
20	062-610-200-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
21	062-610-210-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
22	062-610-220-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
23	062-610-230-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
24	062-610-240-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
25	062-610-250-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
26	062-610-260-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
27	062-610-270-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
28	062-610-280-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
29	062-610-290-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
30	062-610-300-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
31	062-610-310-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
32	062-610-320-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
33	062-610-330-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
34	062-610-340-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
35	062-610-350-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
36	062-610-360-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
37	062-610-370-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
38	062-610-380-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
39	062-610-390-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
40	062-610-400-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
41	062-620-010-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
42	062-620-020-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
43	062-620-030-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
44	062-620-040-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
45	062-620-050-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
46	062-620-060-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
47	062-620-070-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
48	062-620-080-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38

CITY OF LODI
ALMONDWOOD ESTATES - ZONE 1
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

	APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
49	062-620-090-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
50	062-620-100-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
51	062-620-110-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
52	062-620-120-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
53	062-620-130-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
54	062-620-140-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
55	062-620-150-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
56	062-620-160-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
57	062-620-170-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
58	062-620-180-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
59	062-620-190-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
60	062-620-200-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
61	062-620-210-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
62	062-620-220-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
63	062-620-230-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
64	062-620-240-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
65	062-620-250-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
66	062-620-260-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
67	062-620-270-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
68	062-620-280-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
69	062-620-290-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
70	062-620-300-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
71	062-620-310-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
72	062-620-320-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
73	062-620-330-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
74	062-620-340-000	SFR	n/a	1.00	423.14	303.00	\$444.31	\$444.30	443.38	443.38
Total 74 PARCELS				74	\$31,312.36	\$22,422.00		\$32,878.20		\$32,810.12

Dwelling Unit Equivalent Factor

**CITY OF LODI
CENTURY MEADOWS ONE - ZONE 2
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
1	058-520-010-000	SFR	n/a	1.00	\$320.24	\$258.00	\$336.26	\$336.26	\$334.86	\$334.86
2	058-520-020-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
3	058-520-030-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
4	058-520-040-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
5	058-520-050-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
6	058-520-060-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
7	058-520-070-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
8	058-520-080-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
9	058-520-090-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
10	058-520-100-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
11	058-520-110-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
12	058-520-120-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
13	058-520-130-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
14	058-520-140-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
15	058-520-150-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
16	058-520-160-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
17	058-520-170-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
18	058-520-180-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
19	058-520-190-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
20	058-520-200-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
21	058-520-210-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
22	058-520-220-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
23	058-520-230-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
24	058-520-240-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
25	058-520-250-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
26	058-520-260-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
27	058-520-270-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
28	058-520-280-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
29	058-520-290-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
30	058-520-300-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
31	058-520-310-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
32	058-520-320-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
33	058-520-330-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
34	058-520-340-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
35	058-520-350-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
36	058-520-360-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
37	058-520-370-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
38	058-520-380-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
39	058-520-390-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
40	058-520-400-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
41	058-520-410-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
42	058-520-420-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
43	058-520-430-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
44	058-520-440-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
45	058-520-450-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
46	058-520-460-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
47	058-520-470-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
48	058-520-480-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86

CITY OF LODI
CENTURY MEADOWS ONE - ZONE 2
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

	APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
49	058-520-490-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
50	058-520-500-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
51	058-520-510-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
52	058-520-520-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
53	058-520-530-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
54	058-520-540-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
55	058-520-550-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
56	058-520-560-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
57	058-520-570-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
58	058-520-590-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
59	058-520-600-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
60	058-520-610-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
61	058-520-620-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
62	058-520-630-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
63	058-520-640-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
64	058-520-650-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
65	058-580-010-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
66	058-580-020-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
67	058-580-030-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
68	058-580-040-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
69	058-580-050-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
70	058-580-060-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
71	058-580-070-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
72	058-580-080-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
73	058-580-090-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
74	058-580-100-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
75	058-580-110-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
76	058-580-120-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
77	058-580-130-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
78	058-580-140-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
79	058-580-150-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
80	058-580-160-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
81	058-580-170-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
82	058-580-180-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
83	058-580-190-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
84	058-580-200-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
85	058-580-210-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
86	058-580-220-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
87	058-580-230-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
88	058-580-240-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
89	058-580-250-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
90	058-580-260-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
91	058-580-270-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
92	058-580-280-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
93	058-580-290-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
94	058-580-300-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
95	058-580-310-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
96	058-580-320-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86

**CITY OF LODI
CENTURY MEADOWS ONE - ZONE 2
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
97	058-580-330-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
98	058-580-340-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
99	058-580-350-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
100	058-580-360-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
101	058-580-370-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
102	058-580-380-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
103	058-580-390-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
104	058-580-400-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
105	058-580-410-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
106	058-580-420-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
107	058-580-430-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
108	058-580-440-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
109	058-580-450-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
110	058-580-460-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
111	058-580-470-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
112	058-580-480-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
113	058-580-490-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
114	058-580-500-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
115	058-580-510-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
116	058-580-520-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
117	058-580-530-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
118	058-580-540-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
119	058-580-550-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
120	058-580-560-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
121	058-580-570-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
122	058-580-580-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
123	058-580-590-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
124	058-580-600-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
125	058-580-610-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
126	058-580-620-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
127	058-580-630-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
128	058-580-640-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
129	058-580-650-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
130	058-580-660-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
131	058-580-670-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
132	058-580-680-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
133	058-580-690-000	SFR	n/a	1.00	320.24	258.00	336.26	\$336.26	334.86	334.86
Total	133 PARCELS			133	\$42,591.92	\$34,314.00		\$44,722.58		\$44,536.38

* Dwelling Unit Equivalent Factor

**CITY OF LODI
MILLSBRIDGE II - ZONE 3
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
1	031-040-140-000	SFR	n/a	1.00	\$339.14	\$163.38	\$356.11	\$356.10	\$217.64	\$217.64
2	031-040-150-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
3	031-040-380-000	DUPL	n/a	2.00	339.14	163.38	356.11	\$712.22	217.64	435.28
4	031-040-440-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
5	031-040-450-000	SFR	n/a	1.00	678.30	326.76	356.11	\$356.10	217.64	217.64
6	031-040-460-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
7	031-040-470-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
8	031-040-480-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
9	031-040-490-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
10	031-290-010-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
11	031-290-020-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
12	031-290-030-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
13	031-290-040-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
14	031-290-050-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
15	031-290-060-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
16	031-290-070-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
17	031-290-080-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
18	031-290-090-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
19	031-290-100-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
20	031-290-110-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
21	031-290-120-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
22	031-290-130-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
23	031-290-140-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
24	031-290-150-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
25	031-290-160-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
26	031-290-170-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
27	031-290-180-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
28	031-290-190-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
29	031-290-200-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
30	031-290-210-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
31	031-290-220-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
32	031-290-230-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
33	031-290-240-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
34	031-290-250-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
35	031-290-260-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
36	031-290-270-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
37	031-290-280-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
38	031-290-290-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
39	031-290-300-000	SFR	n/a	1.00	339.14	163.38	356.11	\$356.10	217.64	217.64
To	39 PARCELS			40	\$12,887.36	\$6,208.44		\$14,244.02		\$8,705.60

welling Unit Equivalent Factor

CITY OF LODI
ALMOND NORTH - ZONE 4
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
1 062-630-010-000	SFR	n/a	1.00	\$339.14	\$179.00	\$356.11	\$356.10	\$283.62	\$283.62
2 062-630-020-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
3 062-630-030-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
4 062-630-040-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
5 062-630-050-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
6 062-630-060-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
7 062-630-070-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
8 062-630-080-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
9 062-630-090-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
10 062-630-100-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
11 062-630-110-000	DUPL	n/a	2.00	678.30	358.00	356.11	\$712.22	283.62	567.24
12 062-630-120-000	DUPL	n/a	2.00	678.30	358.00	356.11	\$712.22	283.62	567.24
13 062-630-130-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
14 062-630-140-000	DUPL	n/a	2.00	678.30	358.00	356.11	\$712.22	283.62	567.24
15 062-630-150-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
16 062-630-160-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
17 062-630-170-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
18 062-630-180-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
19 062-630-190-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
20 062-630-200-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
21 062-630-210-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
22 062-630-220-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
23 062-630-230-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
24 062-630-240-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
25 062-630-250-000	DUPL	n/a	2.00	678.30	358.00	356.11	\$712.22	283.62	567.24
26 062-630-260-000	DUPL	n/a	2.00	678.30	358.00	356.11	\$712.22	283.62	567.24
27 062-630-270-000	SFR	n/a	1.00	339.14	179.00	356.11	\$356.10	283.62	283.62
28 062-630-280-000	DUPL	n/a	2.00	678.30	358.00	356.11	\$712.22	283.62	567.24
Total 28 PARCELS			34	\$11,530.88	\$6,086.00		\$12,107.52		\$9,643.08

Dwelling Unit Equivalent Factor

CITY OF LODI
LEGACY I, LEGACY II AND KIRST ESTATES - ZONE 5
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
1 058-540-010-000	SFR	n/a	1.00	\$241.50	\$240.78	\$253.58	\$253.58	\$285.97	\$253.58
2 058-540-020-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
3 058-540-030-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
4 058-540-040-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
5 058-540-050-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
6 058-540-060-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
7 058-540-070-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
8 058-540-080-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
9 058-540-090-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
10 058-540-100-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
11 058-540-110-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
12 058-540-120-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
13 058-540-130-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
14 058-540-140-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
15 058-540-150-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
16 058-540-160-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
17 058-540-170-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
18 058-540-180-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
19 058-540-190-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
20 058-540-200-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
21 058-540-210-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
22 058-540-220-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
23 058-540-230-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
24 058-540-240-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
25 058-540-250-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
26 058-540-260-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
27 058-540-270-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
28 058-540-280-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
29 058-540-290-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
30 058-540-300-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
31 058-540-310-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
32 058-540-320-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
33 058-540-330-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
34 058-540-340-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
35 058-540-350-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
36 058-540-360-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
37 058-540-370-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
38 058-540-380-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
39 058-540-390-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
40 058-540-400-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
41 058-540-410-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
42 058-540-420-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
43 058-540-430-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
44 058-540-440-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
45 058-540-450-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
46 058-540-460-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
47 058-540-470-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
48 058-540-480-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58

CITY OF LODI
LEGACY I, LEGACY II AND KIRST ESTATES - ZONE 5
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
49 058-540-490-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
50 058-540-500-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
51 058-540-510-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
52 058-540-520-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
53 058-540-530-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
54 058-540-540-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
55 058-540-550-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
56 058-540-560-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
57 058-540-570-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
58 058-540-580-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
59 058-540-590-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
60 058-540-600-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
61 058-540-610-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
62 058-540-620-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
63 058-540-630-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
64 058-540-640-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
65 058-540-650-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
66 058-540-660-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
67 058-540-670-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
68 058-540-680-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
69 058-540-690-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
70 058-540-700-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
71 058-540-710-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
72 058-540-720-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
73 058-540-730-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
74 058-540-740-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
75 058-540-750-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
76 058-540-760-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
77 058-540-770-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
78 058-560-010-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
79 058-560-020-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
80 058-560-030-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
81 058-560-040-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
82 058-560-050-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
83 058-560-060-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
84 058-560-070-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
85 058-560-080-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
86 058-560-090-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
87 058-560-100-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
88 058-560-110-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
89 058-560-120-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
90 058-560-130-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
91 058-560-140-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
92 585-600-150-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
93 058-560-160-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
94 058-560-170-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
95 058-560-180-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
96 058-560-190-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58

CITY OF LODI
LEGACY I, LEGACY II AND KIRST ESTATES - ZONE 5
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
97 058-560-200-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
98 058-560-210-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
99 058-560-220-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
100 058-560-230-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
101 058-560-240-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
102 058-560-250-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
103 058-560-260-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
104 058-560-270-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
105 058-560-280-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
106 058-560-290-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
107 058-560-300-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
108 058-560-310-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
109 058-560-320-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
110 058-560-330-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
111 058-560-340-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
112 058-560-350-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
113 058-560-360-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
114 058-560-370-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
115 058-560-380-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
116 585-600-390-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
117 058-560-400-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
118 058-560-410-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
119 058-560-420-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
120 058-560-430-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
121 058-560-440-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
122 058-560-450-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
123 058-560-460-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
124 058-560-470-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
125 058-560-480-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
126 058-560-490-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
127 058-560-500-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
128 058-560-510-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
129 058-560-520-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
130 058-560-530-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
131 058-560-540-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
132 058-560-550-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
133 058-560-560-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
134 058-560-570-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
135 058-560-580-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
136 058-560-590-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
137 058-560-600-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
138 058-560-610-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
139 058-560-620-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
140 058-560-630-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
141 058-560-640-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
142 058-560-650-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
143 058-560-660-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
144 058-560-670-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58

CITY OF LODI
LEGACY I, LEGACY II AND KIRST ESTATES - ZONE 5
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
145 058-560-680-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
146 058-560-690-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
147 058-560-700-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
148 058-560-710-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
149 058-560-720-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
150 058-560-730-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
151 058-560-740-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
152 058-560-750-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
153 058-570-010-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
154 058-570-020-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
155 058-570-030-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
156 058-570-040-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
157 058-570-050-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
158 058-570-060-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
159 058-570-070-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
160 058-570-080-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
161 058-570-090-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
162 058-570-100-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
163 058-570-110-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
164 058-570-120-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
165 058-570-130-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
166 058-570-140-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
167 058-570-150-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
168 058-570-160-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
169 058-570-170-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
170 058-570-180-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
171 058-570-190-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
172 058-570-200-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
173 058-570-210-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
174 058-570-220-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
175 005-857-023-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
176 058-570-240-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
177 058-570-250-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
178 058-570-260-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
179 058-570-270-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
180 058-570-280-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
181 058-570-290-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
182 058-570-300-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
183 058-570-310-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
184 058-570-320-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
185 058-570-330-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
186 058-570-340-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
187 058-570-350-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
188 058-570-360-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
189 058-570-370-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
190 058-570-380-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
191 058-570-390-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
192 058-570-400-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58

CITY OF LODI
LEGACY I, LEGACY II AND KIRST ESTATES - ZONE 5
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
193 058-570-410-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
194 058-570-420-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
195 058-570-430-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
196 058-570-440-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
197 058-570-450-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
198 058-570-460-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
199 058-570-470-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
200 058-570-480-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
201 058-570-490-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
202 058-570-500-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
203 058-570-510-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
204 058-570-520-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
205 058-570-530-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
206 058-570-540-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
207 058-570-550-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
208 058-570-560-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
209 058-570-570-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
210 058-570-580-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
211 058-570-590-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
212 058-570-600-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
213 058-570-610-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
214 058-570-620-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
215 058-570-630-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
216 058-570-640-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
217 058-570-650-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
218 058-600-010-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
219 058-600-020-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
220 058-600-030-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
221 058-600-040-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
222 058-600-050-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
223 058-600-060-000	SFR	n/a	1.00	241.50	240.78	253.58	253.58	285.97	253.58
Total 223 PARCELS			223	\$53,854.50	\$53,693.94		\$56,548.34	\$63,771.31	\$56,548.34

Dwelling Unit Equivalent Factor

CITY OF LODI
THE VILLAS - ZONE 6
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING

APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
1 062-640-010-000	SFR	n/a	1.00	\$550.20	\$445.02	\$577.71	\$577.70	\$517.58	\$517.58
2 062-640-020-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
3 062-640-030-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
4 062-640-040-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
5 062-640-050-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
6 062-640-060-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
7 062-640-070-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
8 062-640-080-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
9 062-640-090-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
10 062-640-100-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
11 062-640-110-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
12 062-640-120-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
13 062-640-130-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
14 062-640-140-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
15 062-640-150-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
16 062-640-160-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
17 062-640-170-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
18 062-640-180-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
19 062-640-190-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
20 062-640-200-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
21 062-640-210-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
22 062-640-220-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
23 062-640-230-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
24 062-640-240-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
25 062-640-250-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
26 062-640-260-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
27 062-640-270-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
28 062-640-280-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
29 062-640-290-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
30 062-640-300-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
31 062-640-310-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
32 062-640-320-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
33 062-640-330-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
34 062-650-010-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
35 062-650-020-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
36 062-650-030-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
37 062-650-040-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
38 062-650-050-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
39 062-650-060-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
40 062-650-070-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
41 062-650-080-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
42 062-650-090-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
43 062-650-100-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
44 062-650-110-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
45 062-650-120-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
46 062-650-130-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
47 062-650-140-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
48 062-650-150-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58

**CITY OF LODI
THE VILLAS - ZONE 6
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
49 062-650-160-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
50 062-650-170-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
51 062-650-180-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
52 062-650-190-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
53 062-650-200-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
54 062-650-210-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
55 062-650-220-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
56 062-650-230-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
57 062-650-240-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
58 062-650-250-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
59 062-650-260-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
60 062-650-270-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
61 062-650-280-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
62 062-650-290-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
63 062-650-300-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
64 062-650-310-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
65 062-650-320-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
66 062-650-330-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
67 062-650-340-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
68 062-650-350-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
69 062-650-360-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
70 062-650-370-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
71 062-650-380-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
72 062-650-390-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
73 062-650-400-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
74 062-650-410-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
75 062-650-420-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
76 062-650-430-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
77 062-650-440-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
78 062-650-450-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
79 062-650-460-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
80 062-650-470-000	SFR	n/a	1.00	550.20	445.02	577.71	\$577.70	517.58	517.58
Total	80 PARCELS		80	\$44,016.00	\$35,601.60		\$46,216.00		\$41,406.40

* Dwelling Unit Equivalent Factor

**CITY OF LODI
WOODLAKE MEADOW - ZONE 7
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	2005/06 MAX LEVY	2005/06 LEVY AMT	2006/07 MAX RATE	2006/07 MAX LEVY	2006/07 BUDGET	2006/07 LEVY AMT
1	015-600-010-000	n/a	n/a	1.00	\$181.64	\$160.04	\$190.73	\$190.72	\$189.26	\$189.26
2	015-600-010-000	n/a	n/a	1.00	\$181.64	\$160.04	190.73	\$190.72	189.26	189.26
3	015-600-010-000	n/a	n/a	1.00	\$181.64	\$160.04	190.73	\$190.72	189.26	189.26
4	015-600-010-000	n/a	n/a	1.00	\$181.64	\$160.04	190.73	\$190.72	189.26	189.26
5	015-600-010-000	n/a	n/a	1.00	\$181.64	\$160.04	190.73	\$190.72	189.26	189.26
Total	5 PARCELS			5	\$908.20	\$800.20		\$953.60		\$946.30

Dwelling Unit Equivalent Factor

**CITY OF LODI
VINTAGE OAKS - ZONE 8
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	MAX RATE	2006/07 MAX LEVY	BUDGET RATE	2006/07 LEVY AMT
1	058-640-010-000	SFR	n/a	1.00	\$416.71	\$416.70	\$295.82	\$295.82
2	058-640-020-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
3	058-640-030-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
4	058-640-040-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
5	058-640-050-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
6	058-640-060-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
7	058-640-070-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
8	058-640-080-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
9	058-640-090-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
10	058-640-100-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
11	058-640-110-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
12	058-640-120-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
13	058-640-130-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
14	058-640-140-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
15	058-640-150-000	SFR	n/a	1.00	416.71	416.70	295.82	295.82
16	058-230-050-000	SFR	n/a	2.00	416.71	833.40	295.82	591.64
Total 16 PARCELS				17	\$7,083.90		\$5,028.94	

* Dwelling Unit Equivalent Factor

**CITY OF LODI
INTERLAKE SQUARE - ZONE 9
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	MAX RATE	2006/07 MAX LEVY	BUDGET RATE	2006/07 LEVY AMT
1	045-260-070-000	SFR	n/a	11.00	\$198.36	\$2,182.00	\$77.36	\$851.00
Total	1 PARCEL			11		\$2,182.00		\$851.00

* Dwelling Unit Equivalent Factor

**CITY OF LODI
LAKESHORE PROPERTIES - ZONE 10
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	MAX RATE	2006/07 MAX LEVY	BUDGET RATE	2006/07 LEVY AMT
1	031-330-010-000	SFR	n/a	1.00	\$166.57	\$166.56	\$45.57	\$45.56
2	031-330-020-000	SFR	n/a	1.00	\$166.57	\$166.56	\$45.57	\$45.56
3	031-330-030-000	SFR	n/a	1.00	\$166.57	\$166.56	\$45.57	\$45.56
4	031-330-040-000	SFR	n/a	1.00	\$166.57	\$166.56	\$45.57	\$45.56
5	031-330-050-000	SFR	n/a	1.00	\$166.57	\$166.56	\$45.57	\$45.56
6	031-330-060-000	SFR	n/a	1.00	\$166.57	\$166.56	\$45.57	\$45.56
7	031-330-070-000	SFR	n/a	1.00	\$166.57	\$166.56	\$45.57	\$45.56
Total	7 PARCELS			7		\$1,165.92		\$318.92

* Dwelling Unit Equivalent Factor

**CITY OF LODI
TATE PROPERTY - ZONE 11
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	MAX RATE	2006/07 MAX LEVY	BUDGET RATE	2006/07 LEVY AMT
	1 058-230-140-000	SFR	n/a	7.00	\$247.57	\$1,733.00	\$126.57	\$886.00
Total	1 PARCEL			7		\$1,733.00		\$886.00

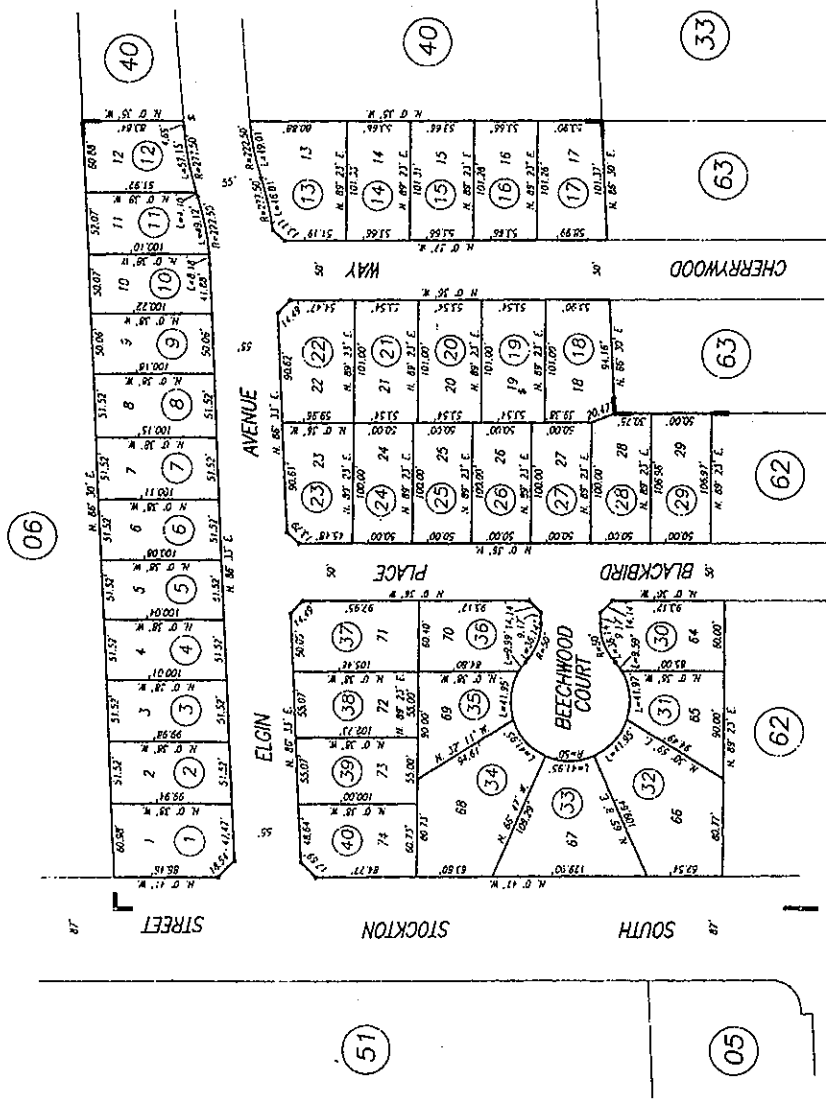
* Dwelling Unit Equivalent Factor

**CITY OF LODI
WINCHESTER WOODS - ZONE 12
FISCAL YEAR 2006/2007
FINAL PARCEL LISTING**

	APN	LUC	ACRES	dueF*	MAX RATE	2006/07 MAX LEVY	BUDGET RATE	2006/07 LEVY AMT
	1 060-220-280-000	SFR	n/a	8.00	\$146.25	\$1,170.00	\$47.25	\$378.00
Total	1 PARCEL			8		\$1,170.00		\$378.00

* Dwelling Unit Equivalent Factor

062-61

[illegible]

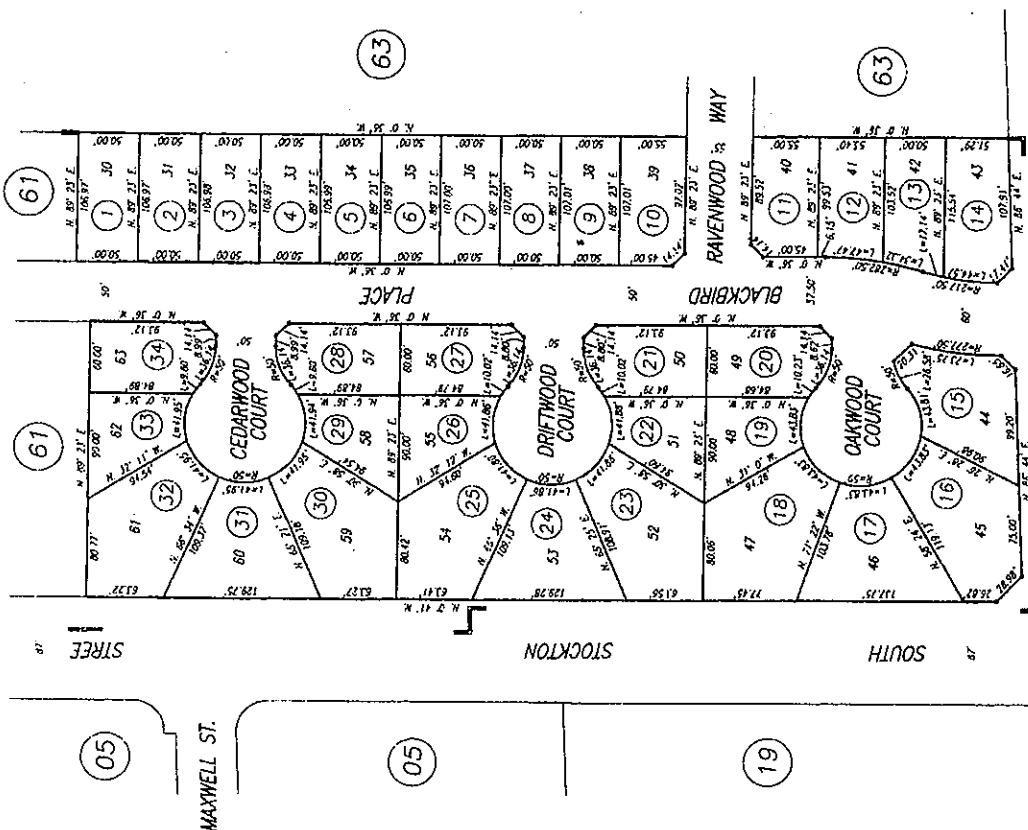
04-05

R. M. Bk. 38 Pg. 058

$$Z_{\text{out}} = 1$$

THIS MAP IS FOR
ASSESSMENT USE ONLY

062-62

[illegible]

CITY OF LODI
Assessor's Map Bk.062 Pg.62
County of San Joaquin, Calif.

04-05

DRIVE

ALMOND

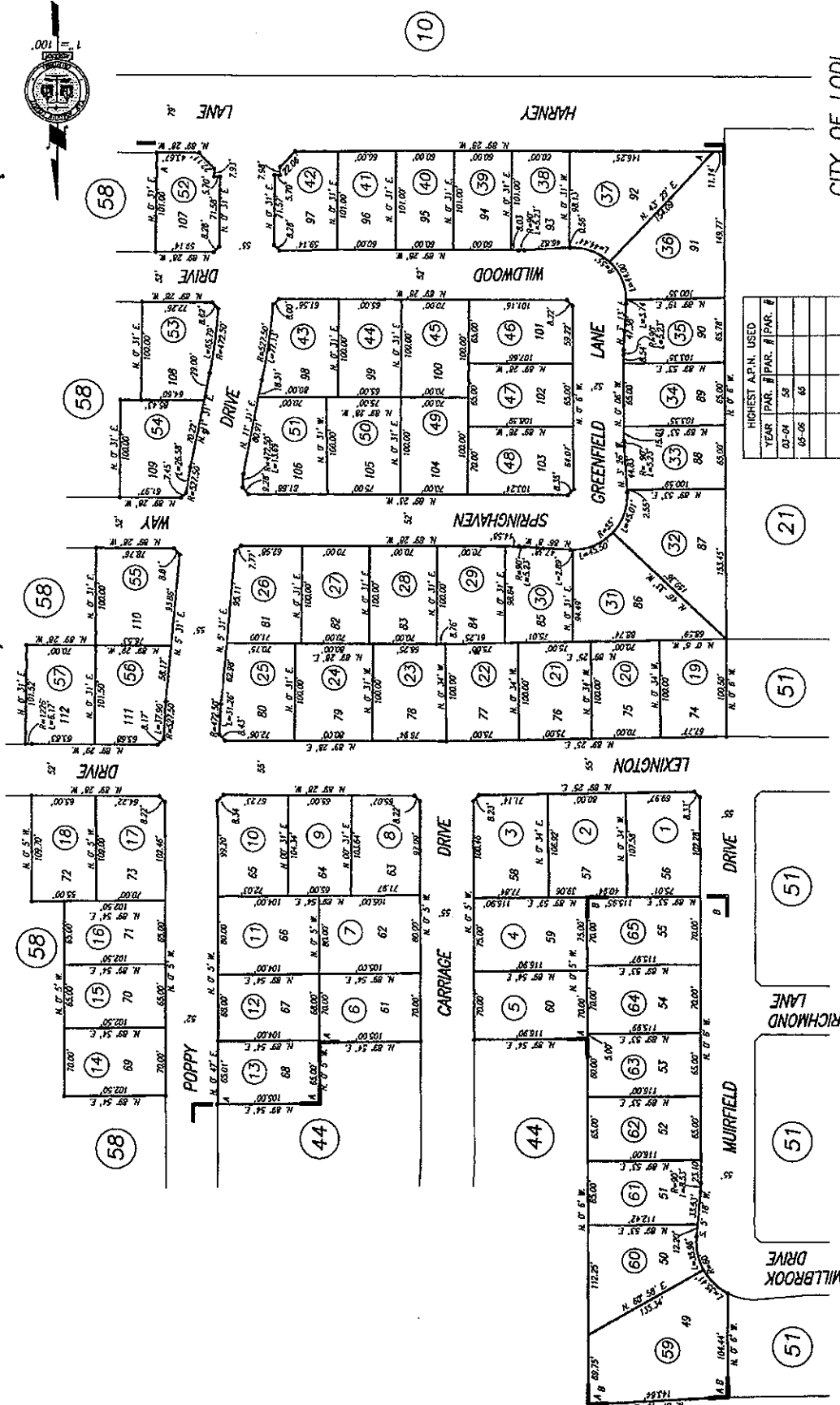
R. M. Sk. 38 P3. 058

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

Zone (

THIS MAP IS FOR
ASSESSMENT USE ONLY

058-52



CITY OF LODI
Assessor's Map Bk.058 Pg.52
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

A - R. M. Bk. 37 Pg. 082
B - R. M. Bk. 39 Pg. 069

[illegible]

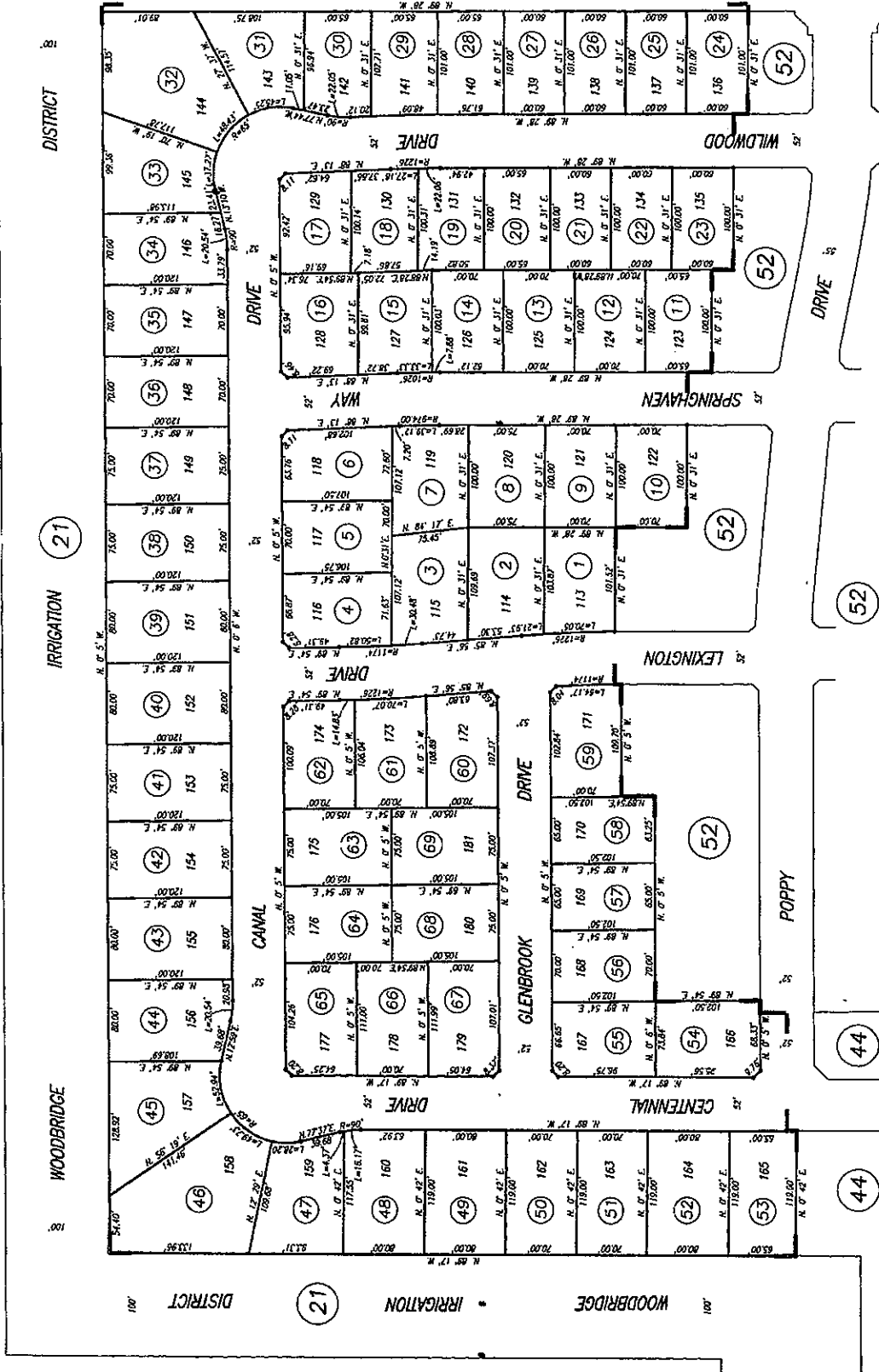
058-58



THIS MAP IS FOR
ASSESSMENT USE ONLY

POR. CENTURY MEADOWS ONE, UNIT NO. 3

Bk.
060



NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

R. M. Bk. 39 Pg. 069

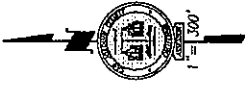
CITY OF LODI
Assessor's Map Bk.058 Pg.58
County of San Joaquin, Calif.

05-06

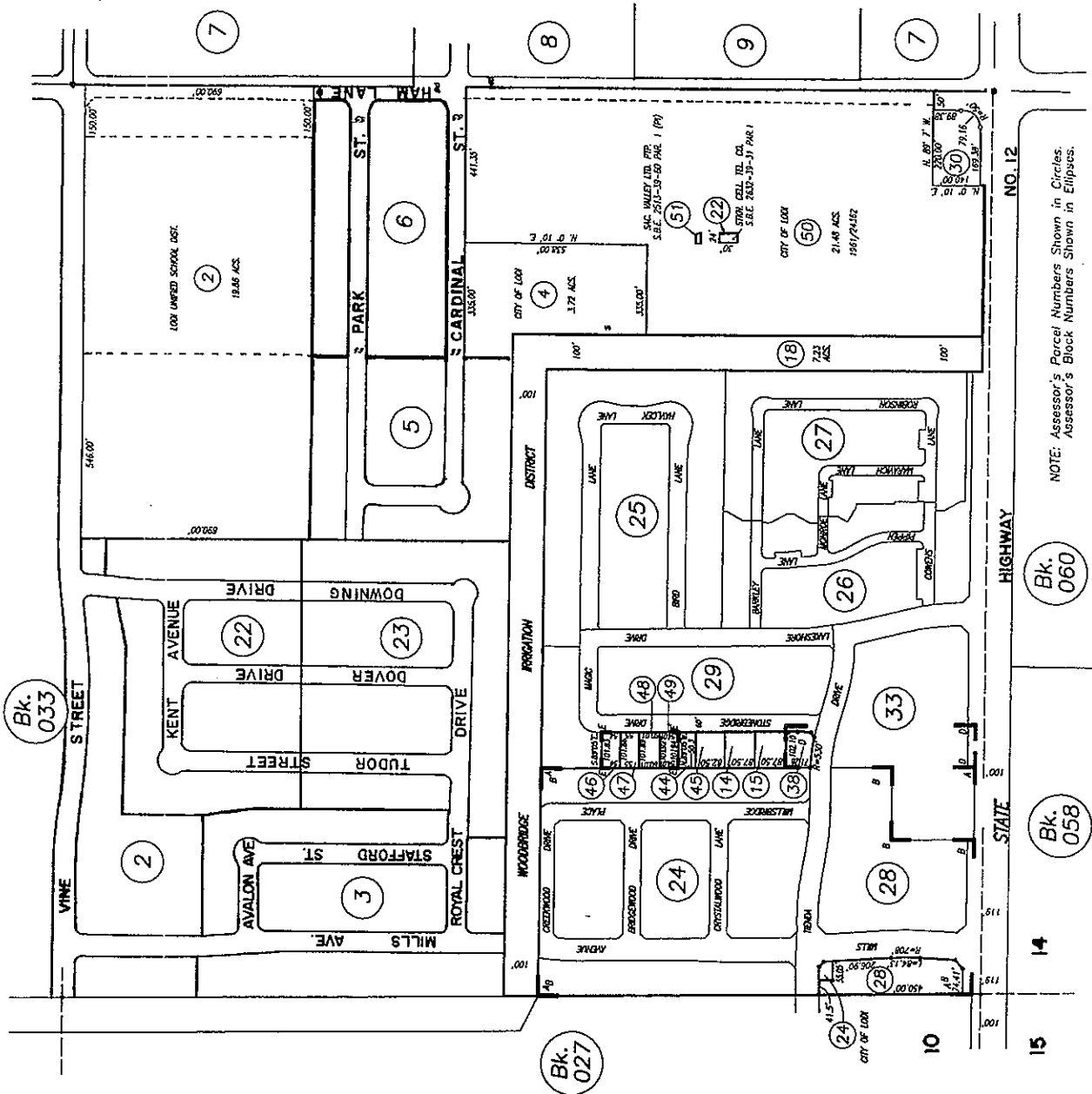
Zone 2

031-04

THIS MAP IS FOR
ASSESSMENT USE ONLY



POR. S.W. 1/4 SEC. 11,
T.3N. R.6E., M.D.B.&M.

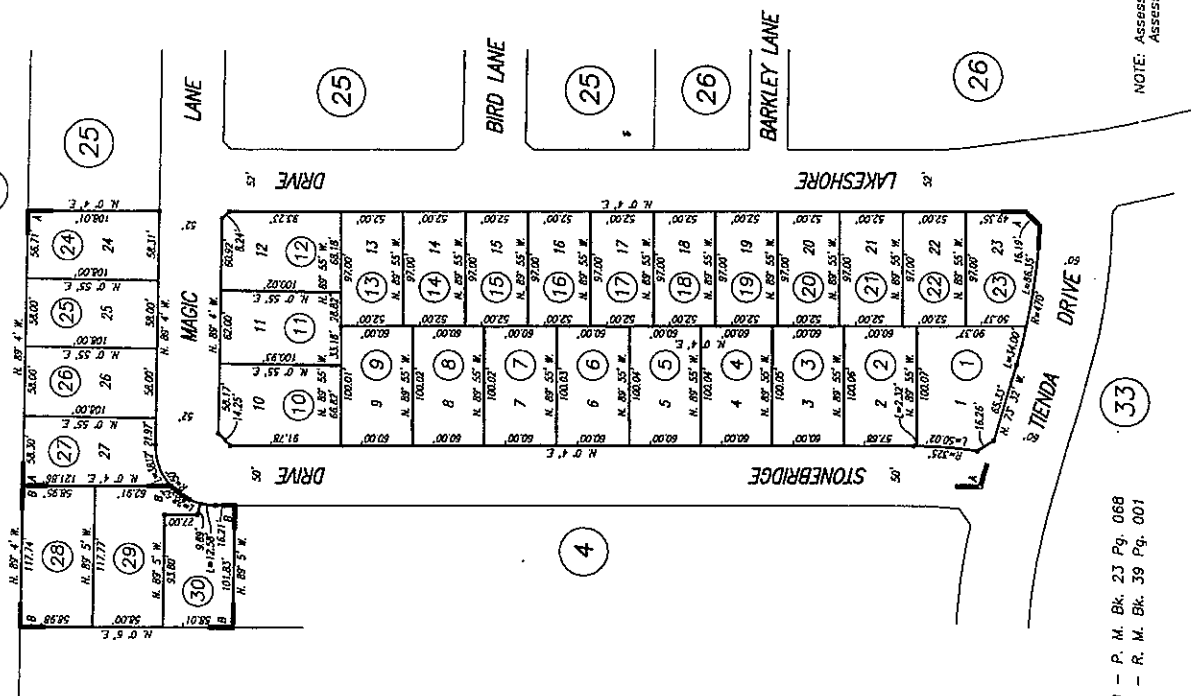


A- P. M. Bk. 07 Pg. 125
B- P. M. Bk. 20 Pg. 172
D- P. M. Bk. 22 Pg. 110
E- P. M. Bk. 23 Pg. 064

HIGHEST A.P.N. USED	
YEAR	PAR. # PAR. #
02-03	34
03-04	40
04-05	42
05-06	45
06-07	51

CITY OF LODI
Assessor's Map Bk.031 Pg.04
County of San Joaquin, Calif.

031-29

[illegible]

CITY OF LODI
Assessor's Map Bk.031 Pg.29
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

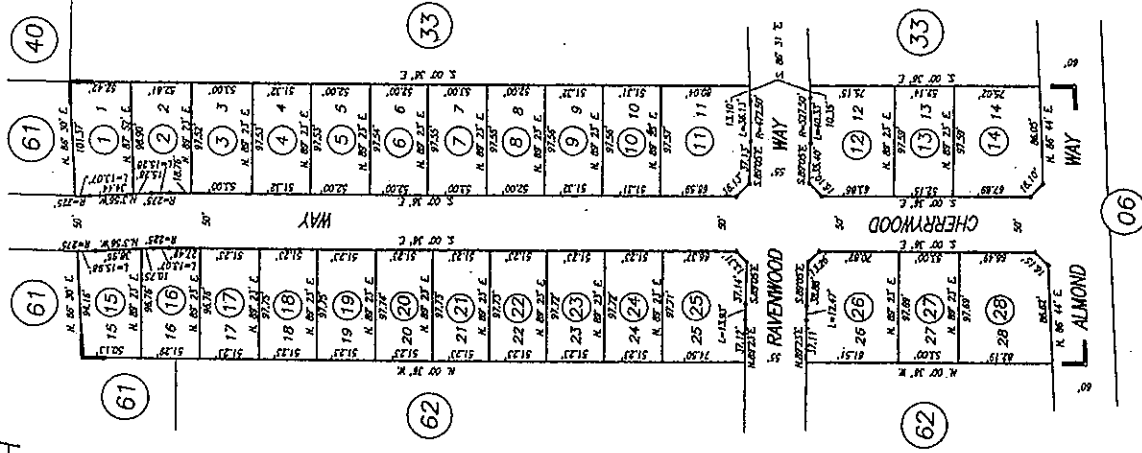
B - P. M. Bk. 23 Pg. 068
A - R. M. Bk. 39 Pg. 001

ZONE 3

ALMOND NORTH

THIS MAP IS FOR
ASSESSMENT USE ONLY

062-63



R. M. Bk. 39 Pg. 012
NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

CITY OF LODI
Assessor's Map Bk.062 Pg.63
County of San Joaquin, Calif.

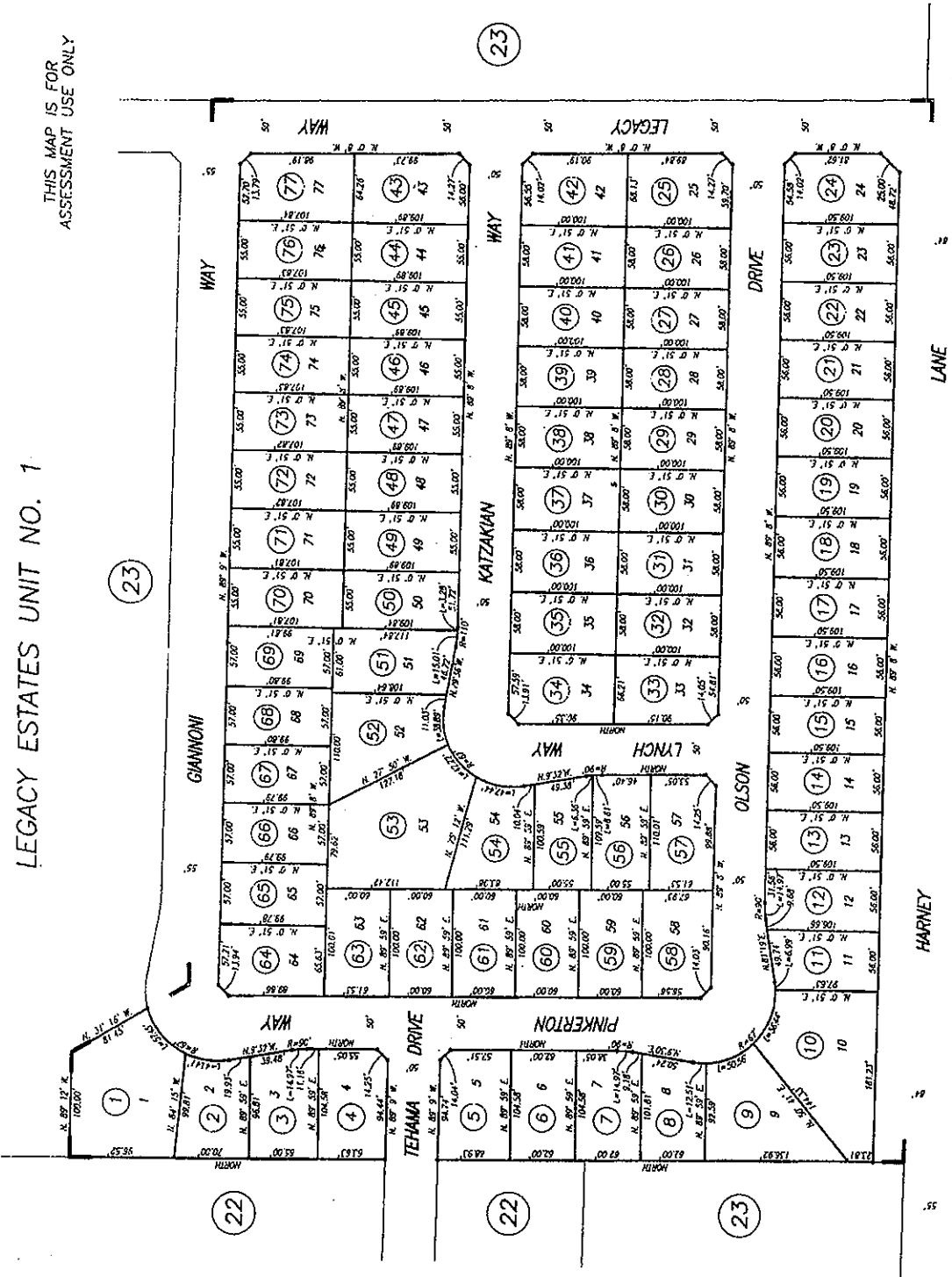
05-06

2024

LEGACY ESTATES UNIT NO. 1

THIS MAP IS FOR
ASSESSMENT USE ONLY

058-54



HIGHEST A.P.N. USED		
YEAR	PAR.	PAR. #
01-06	27	

CITY OF LODI
Assessor's Map Bk.058 Pg.54
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

R. M. Bk. 39 Pg. 054

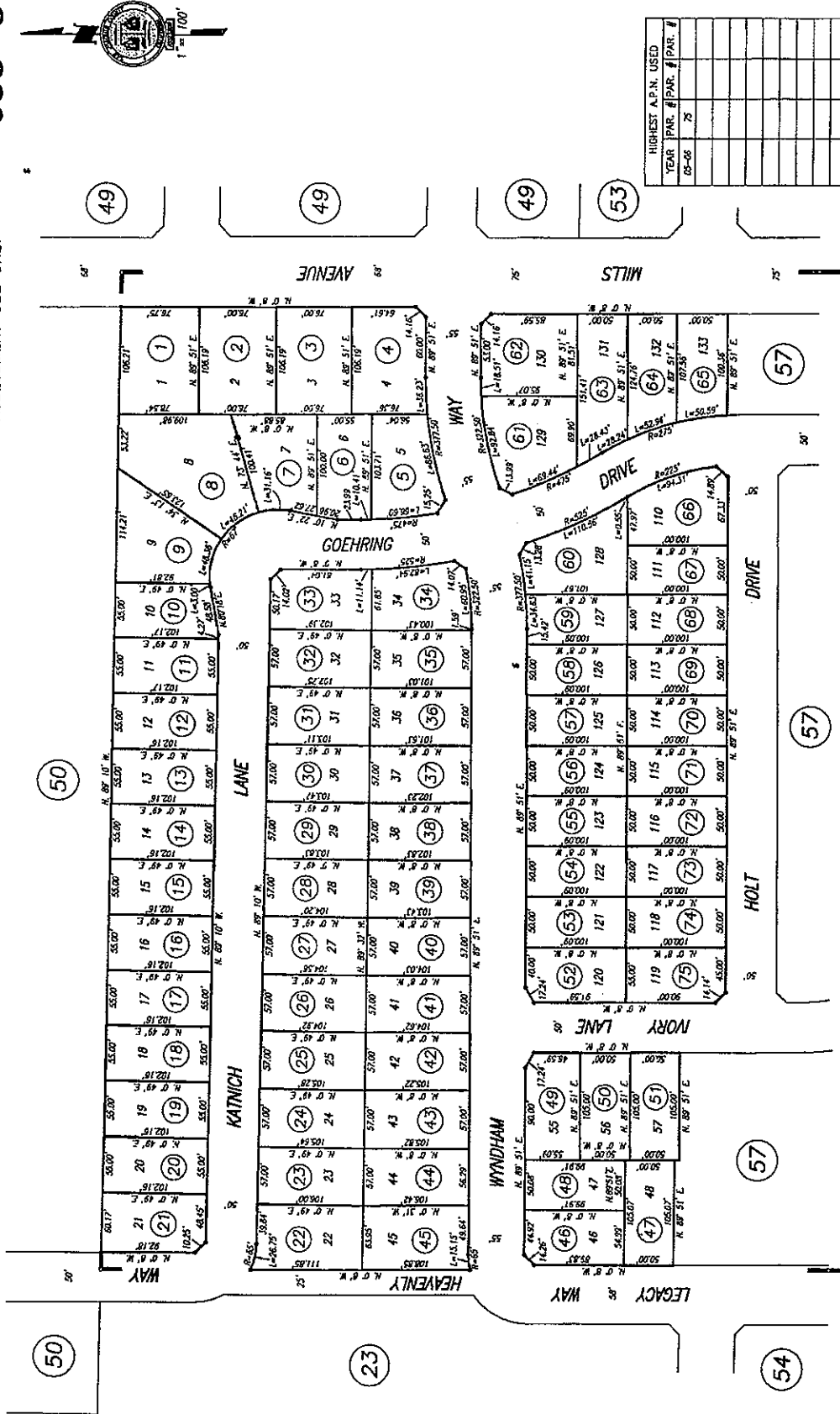
05-06

204E5

POR. LEGACY ESTATES, UNIT NO. 2

THIS MAP IS FOR
ASSESSMENT USE ONLY

058-56



ZONE 5

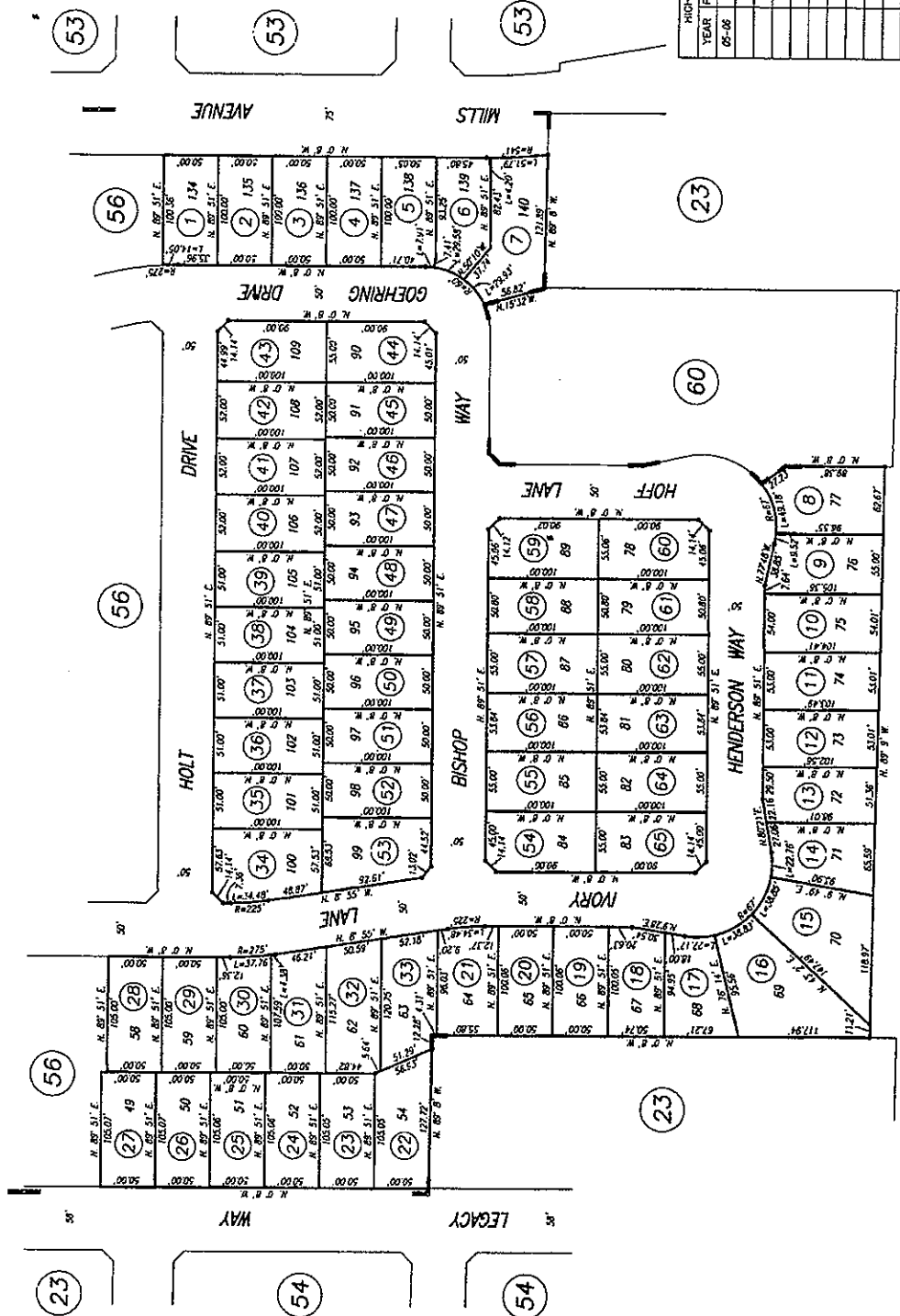
CITY OF LODI
Assessor's Map Bk.058 Pg.56
County of San Joaquin, Calif.

R. M. Bk. 39 Pg. 065

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

05-06

058-57

[illegible]

CITY OF LODI
Assessor's Map Bk.058 Pg.57
County of San Joaquin, Calif.

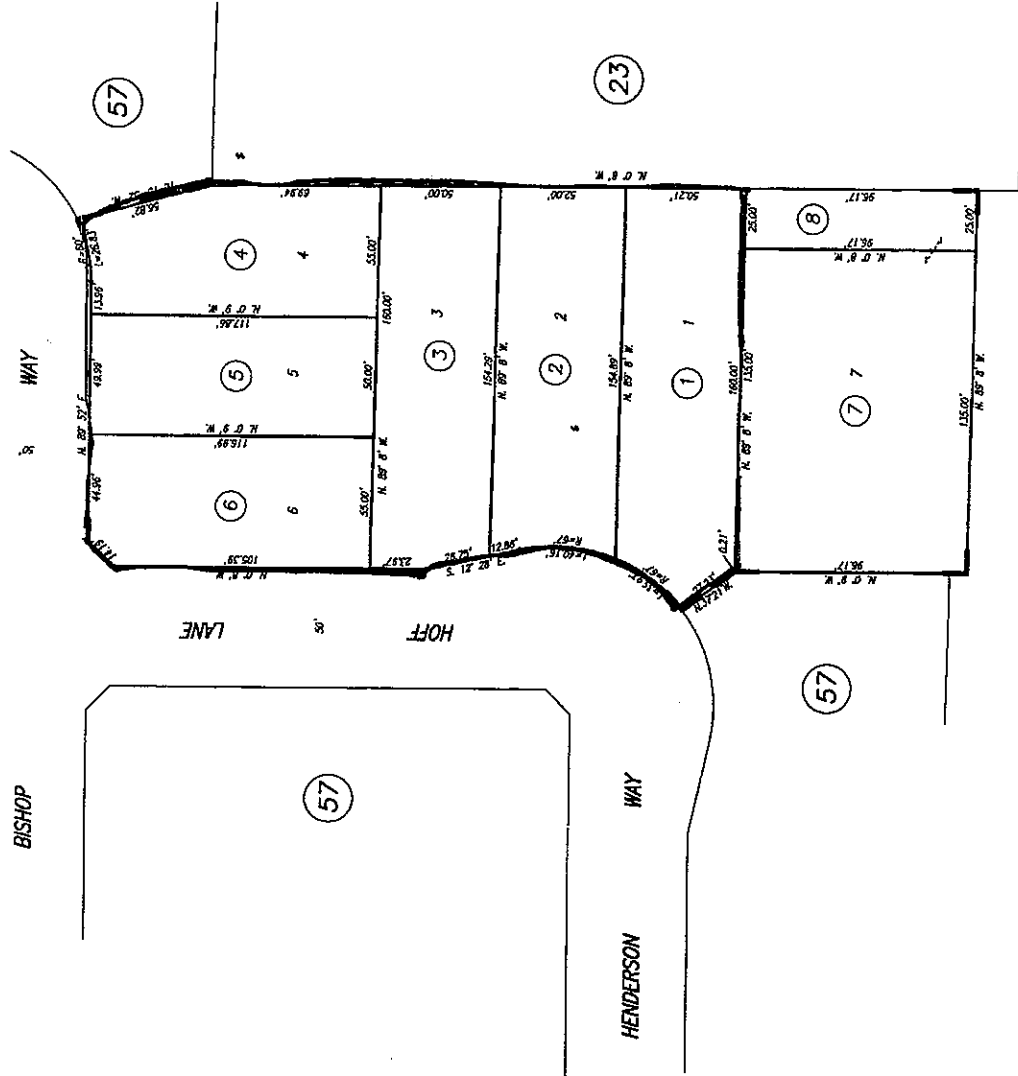
05-06

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

R. M. Bk. 39 Pg. 065

Zone 5

058-60

[illegible]

CITY OF LODI
Assessor's Map Bk.058 Pg.60
County of San Joaquin, Calif.

05-06

LANE

**NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.**

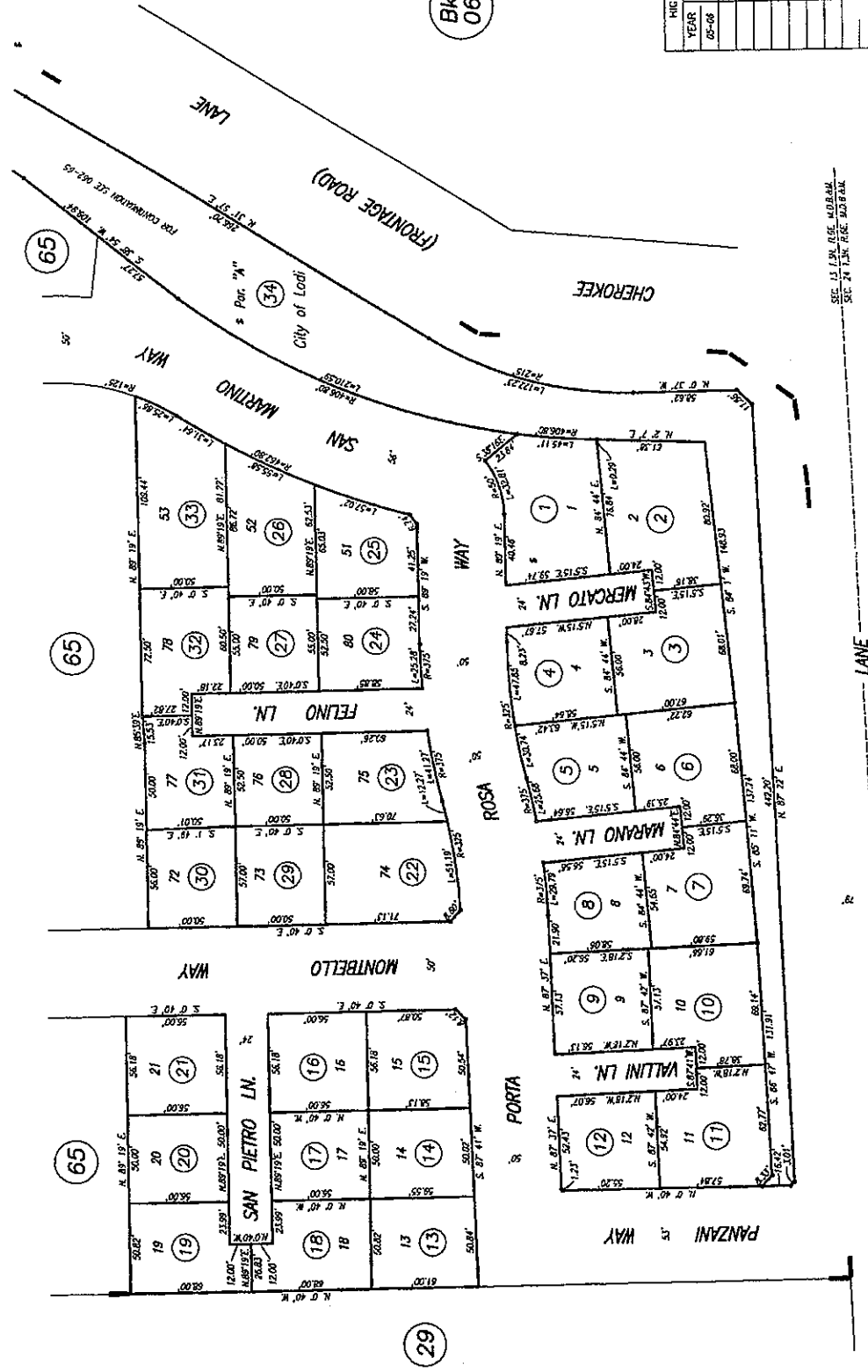
R. M. BK. 39 Pg. 083

Zone 5

POR. THE VILLAS

062-64

THIS MAP IS FOR
ASSESSMENT USE ONLY



HIGHEST A.P.N. USED	YEAR	PAR. #	PAR. #
1995	05-08	34	
1996			
1997			
1998			
1999			
2000			
2001			
2002			
2003			
2004			
2005			

CITY OF LODI
Assessor's Map Bk.062 Pg.64
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

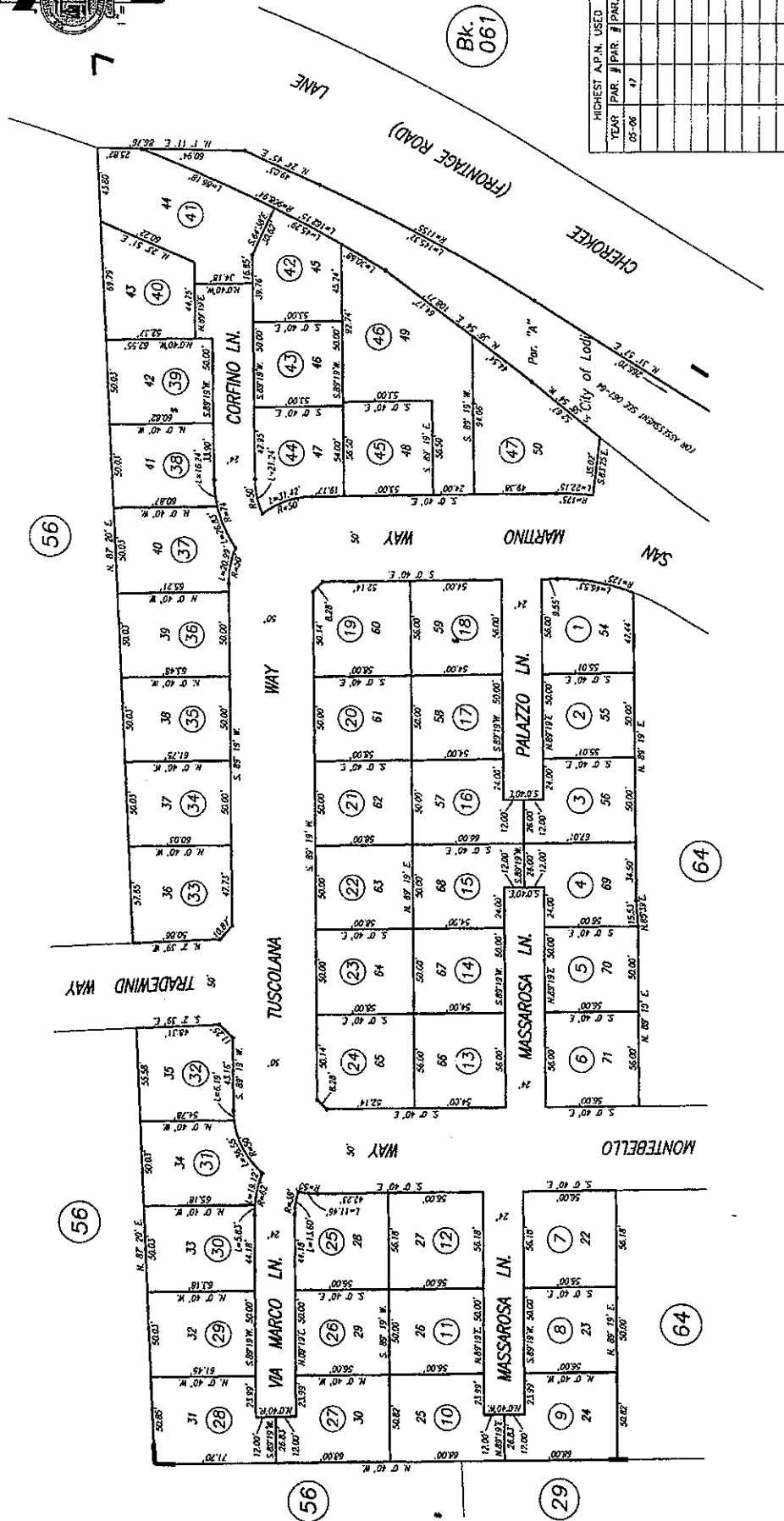
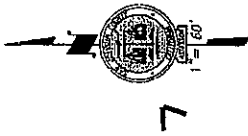
R. M. Bk. 39 Pg. 074

Bk. 058

05-06

Zone 6

062-65



CITY OF LODI
Assessor's Map Bk.062 Pg.65
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

R. M. Bk. 39 Pg. 074

05--06

Зона 6



POR. SEC. 15,
T.3N.R.6E. M.D.B.& M.

A - P. M. Bk. 07 Pg. 053
B - R. S. Bk. 28 Pg. 105
C - R. S. Bk. 32 Pg. 019
D - P. M. Bk. 21 Pg. 147
E - P. M. Bk. 22 Pg. 055

[illegible]

CITY OF LODI
Assessor's Map Bk.058 Pg.23
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

Zone 8

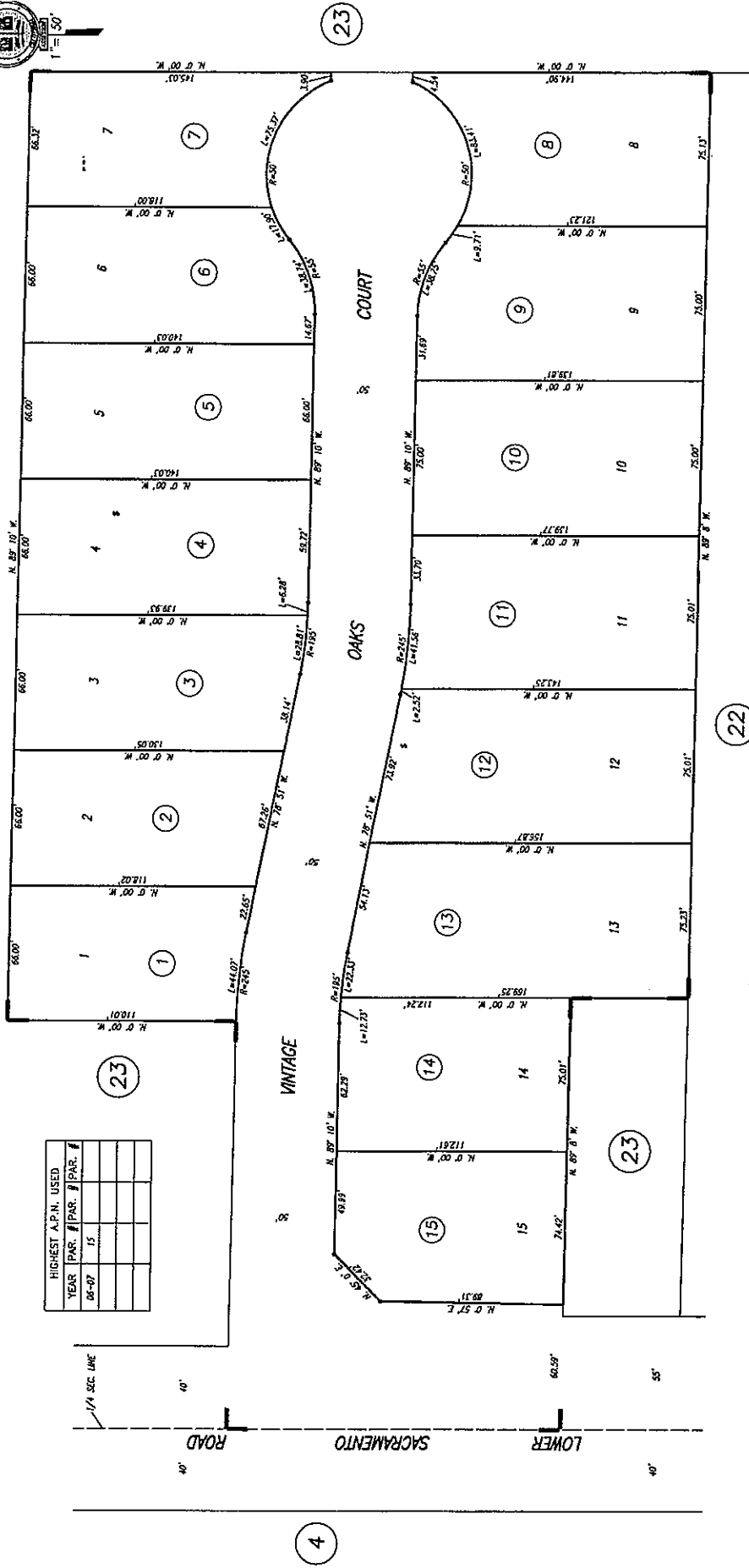
VINTAGE OAKS

VINTAGE OAKS

THIS MAP IS FOR
ASSESSMENT USE ONLY

058-64

HIGHEST A.P.N. USED		
YEAR	PAR. #	PAR. #
05-07	15	



Assessor's Map Bk.058 Pg.64
County of San Joaquin, Calif.

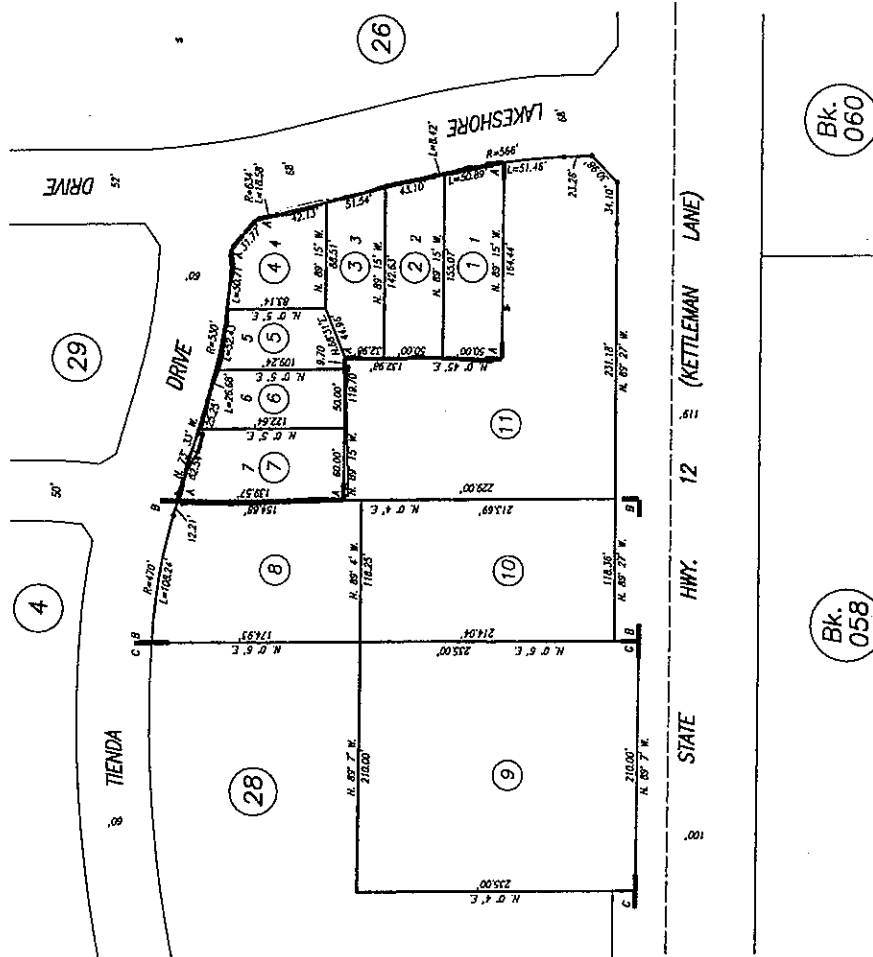
NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

R. M. Bk. 40 Pg. 027

06-07

ZONE 8

THIS MAP IS FOR
ASSESSMENT USE ONLY

[illegible]

CITY OF LODI
Assessor's Map Bk.301 Pg.33
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

A - R. M. Bk. 40 Pg. 023
B - P. M. Bk. 22 Pg. 110
C - P. M. Bk. 07 Pg. 125

ZONE 10

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY
REPORT FOR THE LODI CONSOLIDATED LANDSCAPE MAINTENANCE
DISTRICT NO. 2003-1, FISCAL YEAR 2006/07

=====

The City Council of the City of Lodi (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council, pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (hereafter referred to as the "Act") did by previous Resolution, order the Engineer, NBS Government Finance Group DBA NBS (hereafter referred to as "NBS"), to prepare and file a report in accordance with *Chapter 1 Article 4* of the Act, *commencing with Section 22565*, in connection with the proposed levy and collection of assessments for the District known and designated as the Lodi Consolidated Landscape Maintenance District No. 2003-1 (hereafter referred to as the "District"), for the fiscal year commencing July 1, 2006 and ending June 30, 2007; and,

WHEREAS, the Engineer has prepared and filed with the City Clerk of the City of Lodi and the City Clerk has presented to the City Council such report entitled "Final Engineer's Annual Levy Report, Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2006/07" (hereafter referred to as the "Report"); and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented, and is satisfied with each and all of the items and documents as set forth therein, and finds that the levy has been spread in accordance with the special benefits received from the improvements, operation, maintenance and services to be performed, as set forth in said Report; and,

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

Section 1. That the Lodi City Council hereby approves the Report as filed.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 21, 2006 by the following vote:

AYES:	COUNCIL MEMBERS –
NOES:	COUNCIL MEMBERS –
ABSENT:	COUNCIL MEMBERS –
ABSTAIN:	COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____

RESOLUTION NO. No. 2006-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,
CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN THE LODI CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT
NO. 2003-1, FISCAL YEAR 2006/07

=====

The City Council of the City of Lodi (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council has, by previous Resolutions initiated proceedings, and approved the Final Engineer's Annual Levy Report (hereafter referred to as the "Report") as presented or amended which described the assessments against parcels of land within the Lodi Consolidated Landscape Maintenance District No. 2003-1 (hereafter referred to as the "District") for the fiscal year commencing July 1, 2006 and ending June 30, 2007; pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining and servicing the improvements located within the District; and,

WHEREAS, The Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, a Report in connection with the proposed levy and collection upon eligible parcels of land within the District, and the City Council did by previous Resolution approve such Report; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2006 and ending June 30, 2007, to pay the costs and expenses of operating, maintaining and servicing the improvements within the District; and,

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of the landscape maintenance district assessments, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Prop 218; and,

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

Section 1. Following notice duly given, the City Council has held a full and fair Public Hearing regarding its Resolution Approving and or Amending the Final Engineer's Annual Levy Report prepared in connection therewith; the levy and collection of assessments, and considered all oral and written statements, protests and communications made or filed by interested persons.

Section 2. Based upon its review (and amendments, as applicable) of the Final Engineer's Annual Levy Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that:

- i) the land within the District will receive special benefit by the operation, maintenance, and servicing of landscaping, lighting, and appurtenant facilities within the boundaries of the District.
- ii) The District includes all of the lands receiving such special benefit.
- iii) the net amount to be assessed upon the lands within the District in accordance with the costs for the fiscal year commencing July 1, 2006 and ending June 30, 2007 is apportioned by a formula and method which fairly distributes the net amount among

all eligible parcels in proportion to the estimated special benefit to be received by each parcel from the improvements and services.

Section 3. The Report and assessment as presented to the City Council and on file in the office of the City Clerk are hereby confirmed as filed.

Section 4. The City Council hereby orders the proposed improvement services be performed. The improvements within the District may include, but are not limited to: street parkway trees, public park land, plants and trees, landscaping, irrigation and drainage systems, maintenance of pedestrian walkways, graffiti removal, maintenance and rebuilding of masonry walls, and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and satisfactory condition.

Section 5. The maintenance, operation and servicing of the landscaping and shall be performed pursuant to the Act and the County Auditor of the County of San Joaquin shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 6. The City Treasurer shall deposit all money representing assessments collected by the County of San Joaquin for the District to the credit of a fund for the Lodi Consolidated Landscape Maintenance District No. 2003-1, and such money shall be expended only for the maintenance, operation and servicing of the landscaping, lighting and appurtenant facilities as described in Section 4.

Section 7. The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2006 and ending June 30, 2007.

Section 8. The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.

Section 9. A certified copy of the levy shall be filed in the office of the City Clerk and open for public inspection.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 21, 2006 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____

PROOF OF PUBLICATION

(2015-5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

May 27th, June 3rd

all in the year 2006.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 3rd day of June 2006.



Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication

Notice of Public Hearing Resolution No. 2006-90

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2006-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DECLARING ITS INTENTION FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE LODI CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT NO. 2003-1, FISCAL YEAR 2006-07.

The City Council of the City of Lodi (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council has by previous Resolutions formed the Lodi Consolidated Landscape Maintenance District No. 2003-1 (hereafter referred to as the "District") and initiated proceedings for fiscal year 2006-07, pursuant to the provisions of the Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways

Public Notices

8

Code (commencing with Section 22500) (hereafter referred to as the "Act") that provides for the levy and collection of assessments by the County of San Joaquin for the City of Lodi to pay the maintenance and services of all improvements and facilities related thereto; and

WHEREAS, the City Council has retained NBS Government Finance Group, DBA NBS (hereafter referred to as "NBS") for the purpose of assisting with the Annual Levy of the District, and to prepare and file a report with the City Clerk in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT, AS FOLLOWS:

Section 1 Intention: The City Council hereby declares that it is its intention to seek the Annual Levy of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the annual costs of the improvements. The City Council finds that the public's best interest requires such levy and collection.

5512165

Section 2. District Boundaries:
The boundaries of the District are described as the boundaries more fully defined in the formation documents of the original District, within the boundaries of the City of Lodi, within the County of San Joaquin, State of California and includes the subdivisions known as Almondwood Estates, Century Meadows, One, Millsbridge II, Almond North, Legacy Estates I, Legacy Estates II, Kirst Estates, The Villas, Woodlake Meadow, Vintage Oaks, Interlake Square, Lakeshore Properties, the Tate Property, and Winchester Woods.

Section 3. Description of Improvements: The improvements within the District may include, but are not limited to: street parkway trees, public park land, plants and trees, landscaping, irrigation and drainage systems, maintenance of pedestrian walkways, graffiti removal, maintenance and rebuilding of masonry walls and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and satisfactory condition.

Section 4. Proposed Assessment Amounts: For Fiscal Year 2006-07, the proposed assessments are outlined in the Engineer's Annual Levy Report, which details any changes or increases in the annual assessment.

Section 5. Public Hearing(s): The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the District in accordance with Chapter 3, Section 22626 of the Act.

Section 6. Notice: The City shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper for two consecutive weeks not less than ten (10) days before the date of the Public Hearing; and by posting a copy of this resolution on the official bulletin board customarily used by the City Council for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 7. Notice of Public Hearing: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Wednesday, June 21, 2006, at 7:00 p.m., or as soon thereafter as feasible, in the City Council Chambers, located at 305 West Pine Street, Lodi.

Section 8. The City Clerk is hereby authorized and directed to give notice of such hearing as provided by law.

Dated: May 17, 2006

I hereby certify that Resolution No. 2006-90 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 17, 2006, by the following vote:

AYES: COUNCIL MEMBERS - Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

SUSAN J. BLACKSTON
City Clerk
May 27, June 3, 2006 -
05512165



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING for June 21, 2006, for a resolution declaring Council's intention for the levy and assessment for the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2006-07

LEGAL AD

PUBLISH DATE: SATURDAY, MAY 27, 2006
SATURDAY, JUNE 3, 2006

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MAY 18, 2006

ORDERED BY: SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK


DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 4:00 p.m. (time) on 5/18/06 (date) 2 (pages)
Phoned to confirm receipt of all pages at 4:10 p.m. (time) JLT DRC JMP (initials)



DECLARATION OF POSTING

NOTICE OF PUBLIC HEARING for June 21, 2006, for a resolution declaring Council's intention for the levy and assessment for the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2006-07

On Friday, May 19, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for June 21, 2006, for a resolution declaring Council's intention for the levy and assessment for the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2006-07 at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.


Executed on May 19, 2006, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK



DANA R. CHAPMAN
ADMINISTRATIVE CLERK

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2006-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI, CALIFORNIA, DECLARING ITS INTENTION FOR THE
LEVY AND COLLECTION OF ASSESSMENTS FOR THE LODI
CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT
NO. 2003-1, FISCAL YEAR 2006-07

=====

The City Council of the City of Lodi (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council has by previous Resolutions formed the Lodi Consolidated Landscape Maintenance District No. 2003-1 (hereafter referred to as the "District") and initiated proceedings for fiscal year 2006-07, pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (hereafter referred to as the "Act") that provides for the levy and collection of assessments by the County of San Joaquin for the City of Lodi to pay the maintenance and services of all improvements and facilities related thereto; and

WHEREAS, the City Council has retained NBS Government Finance Group, DBA NBS (hereafter referred to as "NBS") for the purpose of assisting with the Annual Levy of the District, and to prepare and file a report with the City Clerk in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO *CHAPTER 3, SECTION 22624* OF THE ACT, AS FOLLOWS:

Section 1 Intention: The City Council hereby declares that it is its intention to seek the Annual Levy of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the annual costs of the improvements. The City Council finds that the public's best interest requires such levy and collection.

Section 2 District Boundaries: The boundaries of the District are described as the boundaries previously defined in the formation documents of the original District, within the boundaries of the City of Lodi, within the County of San Joaquin, State of California and includes the subdivisions known as Almondwood Estates, Century Meadows One, Millsbridge II, Almond North, Legacy Estates I, Legacy Estates II, Kirst Estates, The Villas, Woodlake Meadow, Vintage Oaks, Interlake Square, Lakeshore Properties, the Tate Property, and Winchester Woods.

Section 3 Description of Improvements: The improvements within the District may include, but are not limited to: street parkway trees, public park land, plants and trees, landscaping, irrigation and drainage systems, maintenance of pedestrian walkways, graffiti removal, maintenance and rebuilding of masonry walls and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and satisfactory condition.

Section 4 Proposed Assessment Amounts: For Fiscal Year 2006-07, the proposed assessments are outlined in the Engineer's Annual Levy Report, which details any changes or increases in the annual assessment.

Section 5 Public Hearing(s): The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the District in accordance with *Chapter 3, Section 22626* of the Act.

Section 6 Notice: The City shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper for two consecutive weeks not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this resolution on the official bulletin board customarily used by the City Council for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 7 Notice of Public Hearing: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Wednesday, June 21, 2006, at 7:00 p.m., or as soon thereafter as feasible, in the City Council Chambers, located at 305 West Pine Street, Lodi.

Section 8 The City Clerk is hereby authorized and directed to give notice of such hearing as provided by law.

Dated: May 17, 2006

=====

I hereby certify that Resolution No. 2006-90 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 17, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce,
and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Cancel Public Hearing for June 21, 2006 to consider the appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

MEETING DATE: June 21, 2006

PREPARED BY: Community Improvement Manager

RECOMMENDED ACTION: Cancel Public Hearing for June 21, 2006 to consider the appeal from Mohammad Dawood Khan and Rehana Khan regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03).

BACKGROUND INFORMATION: The Appellants own the property located at 505 E. Pine Street in Lodi, where there currently exist three residential structures; one single-family dwelling, and two 3-unit structures, for a total of 7 units.

A comprehensive Notice and Order to Repair was issued on April 19, 2006, in regards to conditions found within the two 3-unit structures at the rear of the property. This Notice and Order lists substandard and hazardous conditions which pertain to illegal additions, alterations or conversions of what was originally built and allowed upon the property, insufficient floor space/room size for habitable rooms, inadequate, deteriorated and unsafe electrical, damaged or deteriorated structural framing and support members for the roof, inadequate exits and/or emergency egress, unsanitary conditions due to rodent and/or insect infestation, substandard plumbing and mechanical, and general dilapidation and/or deterioration throughout the units.

Our permit records indicate that there should be two 3-room dwellings and two 2-room dwellings upon the property. Another source indicates that the two rear structures should have a total of no more than 5 units. As stated previously, our inspection of the property has documented that in addition to the single-family dwelling at the front of the property, there is a total of 6 units between the two rear buildings.

The Appellants are seeking relief from the requirements that the units be renovated or reconfigured to provide the required minimum floor space for each unit; that they be allowed to upgrade the electrical to each unit to a 60amp electrical service rather than the minimum required 100amp service; and finally, that they be allowed to keep the unit illegally converted from garage space without a permit.

Community Development staff has been working with the Appellants since the setting of this public hearing to clarify the issues of this appeal and has resolved this administratively. On June 12, 2006 the Khan's submitted a signed Compliance Proposal to the Community Development Department. This eliminates the need for an appeal hearing as both property owner and City agree as to the repairs, corrections and remodeling that will be done to resolve issues with this property.

APPROVED: _____
Blair King, City Manager

FISCAL IMPACT: \$300 Appeal Fee collected.

FUNDING AVAILABLE: Not Applicable

Ruby Paiste, Interim Finance Director

Randy Hatch
Community Development Director

Attachment

cc: Mohammad Dawood Khan and Rehana Khan

RECEIVED

June 9, 2006

JUN 12 2006

COMMUNITY DEVELOPMENT DEPT.
CITY OF LODI

MEMORANDUM

To: Mohammad Dawood & Rehana Khan

cc: Tariq Din

**From: Joseph Wood, Manager
Community Improvement Division
City of Lodi Community Development Department**

RE: Compliance Proposal Issues Under Appeal for 505 ½ E. Pine Street

Appellants Mohammad Dawood & Rehana Khan have appealed certain issues of the Notice and Order to Repair for the property at 505 ½ E. Pine Street. After thorough review and discussion, the following description of repairs, corrections and remodeling has been agreed upon to resolve the issues under appeal:

East Building

Unit 1

- Removal/Alteration of non-load bearing wall between living room and kitchen to create one room with minimum 120 sq. ft. floor area.
- Entrances modified to eliminate step over threshold.
- W/H relocated to central location at south end of building.

Unit 2

- Removal/Alteration of non-load bearing wall between bedroom and kitchen/dining to create one room with minimum 120 sq. ft. floor area.
- Entrances modified to eliminate step over threshold.
- W/H relocated to central location at south end of building.

Unit 6

- Complete rebuild of Unit 6 to meet all current code as proposed by appellant, which will include new foundation, wall framing, and roof, as well as compliance with energy code requirements.
- If designed as an Efficiency Dwelling Unit, one room must meet requirement of 220 sq. ft. of floor area. If designed as a 1-bedroom unit, one room must meet minimum floor area of 120 sq. ft.
- Proposed remodel will entail realigning walls in line with the existing footprint for Units 1 & 2, thereby providing greater clearance from east property line than what currently exists in what is the converted garage portion of the structure.

Carport

- Existing carport attached to south end of building has no record of permit and creates a problem as it is too close to the property line and is also attached to the main dwelling, making the dwelling and Units 1,2 & 6 all one building.

- These conditions can best be corrected by including the replacement of that carport as part of the rebuild of Unit 6. As such, the carport structure must maintain six-foot (6') separation from the main dwelling and five-foot (5') from the east property line.

West Building

Unit 3

- Removal/Alteration of non-load bearing wall between bedroom and kitchen/dining to create one room with minimum 120 sq. ft. floor area.
- W/H relocated to south end of building.

Unit 4

- Removal/Alteration of non-load bearing wall between bedroom and kitchen/dining to create one room with minimum 120 sq. ft. floor area.
- W/H relocated to south end of building.

Unit 5

- Removal/Alteration of non-load bearing wall between bedroom and kitchen/dining to create one room with minimum 120 sq. ft. floor area.
- W/H relocated to south end of building.

Electrical Service Upgrades

- Clarification was made to the Appellant that 60amp services are the minimum allowed for multi-family units. However, in order to provide adequate amperage for the appliances that tenants are likely to use, the Appellant has agreed that upgrading to 100amp services is worthwhile and not an unreasonable expense.

By signing this Compliance Proposal, all parties agree that the issues under appeal have been resolved administratively and that there is no need to conduct the appeal hearing scheduled for June 21, 2006.

Property Owner:

M. D. KHAN
Mohammad Dawood Khan

6-12-06
Date

City Official:

Joseph Wood
Joseph Wood, Manager
Community Improvement Division

6/12/06
Date

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

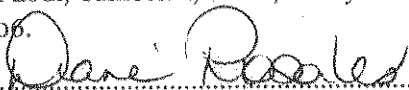
I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

May 27th,

all in the year 2006.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 27th day of May 2006.



Signature

This space is for the County Clerk's Filing Stamp

2006 JUN -8 AM 9:34

CITY CLERK
CITY OF LODI

Proof of Publication
Notice of Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, June 21, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: May 17, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney
May 27, 2006 - 05512167

5512167



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING for June 21, 2006, appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

LEGAL AD

PUBLISH DATE: SATURDAY, MAY 27, 2006

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MAY 18, 2006

ORDERED BY: SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK


DANA R. CHAPMAN
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 4:00 (time) on 5/18/06 (date) 2 (pages)
DRC Phoned to confirm receipt of all pages at 3:30 (time) JLT DRC JMP (initials)



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: June 21, 2006

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, June 21, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: May 17, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney



DECLARATION OF POSTING

NOTICE OF PUBLIC HEARING for June 21, 2006, appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

On Friday, May 19, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for June 21, 2006, appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.


Executed on May 19, 2006, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK



DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Post for Two Vacancies on the Greater Lodi Area Youth Commission (Student Appointees)

MEETING DATE: June 21, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, direct the City Clerk to post for two vacancies on the Greater Lodi Area Youth Commission (Student Appointees).

BACKGROUND INFORMATION: The City Clerk's Office was notified of the resignations of the two Student Appointees shown below. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancies.

Greater Lodi Area Youth Commission

Ali Asghar	Term to expire May 31, 2007
Andrew Slater	Term to expire May 31, 2007

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Jennifer M. Perrin
Interim City Clerk

JMP

APPROVED: _____
Blair King, City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report

MEETING DATE: June 21, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through May 31, 2006.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: See attached.

Jennifer M. Perrin
Interim City Clerk

JMP

Attachment

APPROVED: _____
Blair King, City Manager

PROTOCOL ACCOUNT SUMMARY
Cumulative Report
July 1, 2005 through May 31, 2006

Date	Vendor	Description	Amount	Balance
				Starting Bal. \$12,000.
07-05-05	Lakewood Drugs	Clock – farewell gift from City to Dep. City Mgr. J. Keeter	43.05	
07-08-05	Lasting Impressions	Engraving (on J. Keeter gift)	42.99	
07-12-05	Touch of Mesquite*	*Deposit for catering services at Aug. 18 Annual Boards & Commissions Reception	320.00	
07-14-05	Security at HSS	3.5 hrs x \$15 (Aug. 18 event)	52.50	
07-26-05	O.C. Tanner	3 City grape emblems (supply for future City gifts)	70.29	
08-17-05	Arthur's Party World	Balloon decorations (for Aug. 18 Boards & Commissions Recognition Reception)	44.18	
08-17-05	Lowe's	Table flowers & baskets (for Aug. 18 Boards & Commissions Recognition Reception)	72.46	
08-17-05	Lodi Wine & Visitors Center	Wine (for Aug. 18 Boards & Commissions Recognition Reception)	232.16	
08-17-05	Arthur's Party World	Table decorations (for Aug. 18 Boards & Commissions Recognition Reception)	34.31	
08-17-05	Michael's	Table decorations (for Aug. 18 Boards & Commissions Recognition Reception)	7.85	
08-17-05	Smart & Final	Napkins, plates, glasses (for Aug. 18 Boards & Commissions Recognition Reception)	105.67	
08-24-05	Touch of Mesquite	Catering services (for Aug. 18 Boards & Commissions Recognition Reception) *Note: See deposit 7-12-05.	1,035.55	
11-08-05	Lasting Impressions	Engraving perpetual plaque 2005 Community Service Award	18.75	
11-11-05	JoAnn's Fabric	Ribbon for certificates	6.11	
11-30-05	Travis Catering	Catering services for Joint luncheon meeting with Faith Community/City Council	676.67	
11-30-05	Lowe's	Table centerpieces for Joint luncheon meeting with Faith Community/City Council	87.64	

11-30-05	Fritz Chin Photography	Group photo 11"x14" for community service award recipients	189.00	
12-01-05	Lasting Impressions	Outgoing Mayor's Plaque	88.89	
12-02-05	Dekra-Lite	Two (2) Centennial Banners	326.43	
12-07-05	Black Tie	Catering services for 12-7-05 Council reorganization reception	900.00	
12-09-05	Staples	Christmas Cards for Holiday Deliveries (to City staff)	12.99	
12-13-05	Specialty Cakes	Baked goods for holiday deliveries by Council to all City departments	488.00	
01-02-06	Dayspring Pen Shop	Centennial pens #160	347.65	
01-04-06	Specialty Cakes	Centennial cake for kickoff Council meeting	65.00	
01-04-06	Jerry Tyson	Photographer – one hour at Jan. 4 kickoff event	75.00	
01-10-06	Myshopangel.com	Centennial bags #250 (for Wall Dogs visiting artists hospitality bags)	208.87	
02-06-06	Stockton Blue	Sign for first oak tree planting	43.64	
03-07-06	Positive Promotions	300 children's activity books for May 21 Celebration on Central Event/Council Booth	173.65	
03-07-06	Dayspring Pen Shop	67 key chains w/Centennial logo for August 2006 Boards & Commissions Recognition Event – hosted by Council	175.10	
03-28-06	Abrahamson Printing	1,000 envelopes for cardstock (City seal embossed invitations)	92.94	
05-02-06	Gluskins Camera	Photo enlargement – Council planting 1 st Centennial tree at Carnegie Forum	16.16	
05-09-06	Oriental Trading Co.	Celebration on Central 5/21 Council booth - patriotic pencils and fans as handouts	144.25	
05-10-06	Smart Foods	Celebration on Central 5/21 Council booth - candy for kids	27.93	
05-17-06	Black Tie Gourmet	Farewell Reception for City Clerk Susan Blackston	400.00	
05-31-06	Jerry Tyson	Photo services to capture progressive work on Wall Dogs Murals	187.50	
			<i>Total Expenditures:</i> (\$6,813.18)	<i>Ending Bal.</i> \$5,186.82



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Enacting the Fire and Facilities Initiative

MEETING DATE: June 21, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Introduce Ordinance Enacting the Fire and Facilities Initiative.

BACKGROUND INFORMATION: A local citizens group circulated a petition to place the Fire and Facilities Initiative on the November 7, 2006 Ballot (see Exhibit A). If passed by a 2/3rds margin the Initiative will impose a citywide ¼-cent transactions and use tax for 10 years from its effective date. The Initiative would require that the proceeds of the tax be expended on certain defined programs (placing paramedics on Lodi engine companies, building Fire Stations #2 and #5; building an Indoor Sports Complex and Maintenance and Operations for the above facilities).

The Initiative obtained sufficient signatures to qualify for the ballot and is now titled Measure G. Because Measure G has qualified for the ballot and may pass, staff recommends that Council pass the Initiative as an Ordinance in advance of the election. Staff makes this recommendation because the Board of Equalization ("BOE") has indicated it would refuse to collect the tax and would refuse to collect the City's existing 1-cent sales tax, and instead transfer that tax to San Joaquin County (see February 9, 2006 letter from the BOE to the City of Richmond, attached as Exhibit B) if Measure G passes. This result would obviously be devastating because it represents a \$10.4 million dollar loss to the City's General Fund.

In summary, the BOE's position is that the transactions and use tax implementation statute, Revenue and Taxation Code §7285.91 provides the exclusive mechanism for passing a transaction and use tax and requires by its terms that the transactions and use tax be first passed by a 2/3rds vote of the City Council: "The [transactions and use] tax may be levied. . .if all of the following requirements are met: (a) the Ordinance proposing the tax is approved by a 2/3rds vote of all members of the governing body and is subsequently approved by a 2/3rds vote of the qualified voters of the City. . .(Revenue and Taxation Code §7285.91 (emphasis added)).

Moreover, since State law requires the BOE to terminate its contract with a city to administer all of its sales and use taxes if the city imposes a sales and use tax that does not conform to the requirements of the Revenue and Taxation Code, (Revenue and Taxation Code §7203.5) the BOE opines that it would be required to terminate its contract for our existing sales and use tax and cede it to the County. (See Exhibit B).

Despite the express language of the Revenue and Taxation Code there is an argument that the BOE's position is wrong. Even though literally correct, it is my opinion that a court of appeal could interpret the initiative power broadly to allow a transactions and use tax by initiative. (See e.g. Associated Homebuilders v. City of Livermore, 18 Cal.3d 582. (Permitting a zoning initiative despite its failure to be run through the City Council hearing process as literally required by statute because the requirement did

APPROVED:

Blair King, City Manager

not make sense in the context of an initiative, and the use of the initiative power was not expressly prohibited.).)

Because Measure G secured sufficient signatures, you must place the initiative on the ballot for November pursuant to Elections Code §9215: “If the initiative petition is signed by not less than 10 percent of the voters of the City...the legislative body shall do one of the following: (a) adopt the ordinance...[or] *submit* the ordinance, without alteration, to the voters pursuant to subdivision (b) of §1405....” (emphasis supplied). Note the operative language is submit, not pass. As such you may in my opinion chose not to pass the ordinance before you tonight.¹

However, if you do not to pass it, and the citizens vote in favor of the ordinance, the Board of Equalization will refuse to implement it. A vote in favor of the ordinance would prevent the need for a writ of mandate against the Board to require them to implement it, in the event the initiative passes. You should note that these are uncharted waters and no answer is certain. A court could interpret the Elections Code consistent with the BOE position, in which case the City would forfeit \$10.4 million dollars to the County.

FISCAL IMPACT: Unknown expense cost to the General Fund.

Ruby Paiste, Interim Finance Director

Stephen Schwabauer, City Attorney

¹ However, you must, absent a conflict vote on the matter because under Lodi Municipal Code 2.04.140, abstentions when not required by a conflict of interest are counted as a yes vote.

Pursuant to Elections Code § 9203, the city attorney has prepared the following title and summary of the chief purpose and points of the following proposed measure:

FIRE AND FACILITIES SALES TAX INITIATIVE

The Fire and Facilities Sales Tax Initiative proposes to amend the Lodi Municipal Code to add new Chapter 3.09 adding an additional one quarter cent transaction and use (sales) tax. The tax would be paid in addition to current State and local sales taxes and would be collected at the same time, in the same manner, and on the same items as existing sales taxes. The sales tax levy must be approved by a two-thirds vote of the qualified voters in the City voting in an election on the issue. If approved, the sales tax levy would become effective July 1, 2005 and would remain in effect for ten years.

The initiative requires that the proceeds of the tax be spent on the following projects in the following priority: 1. Placing paramedics on fire engines in Lodi (up to \$700,000 per year for six years); 2. Design and construction of Fire Station #5 which shall be located in the southeast portion of Lodi (up to \$2,000,000); 3. Construction of the Lodi Aquatics Center (up to \$9,000,000); 4. Design and construction of a replacement for Fire Station #2, which shall be located in the eastern portion of Lodi (up to \$2,000,000); 5. Construction of a downtown indoor sports center (up to \$9,000,000); and 6. Maintenance and operation of the facilities above (up to \$1,500,000). The initiative requires that the proceeds be spent on the above projects and no others.

The initiative also establishes an oversight committee to ensure that the proceeds are spent on the listed projects. The oversight committee would also have the power to, jointly with the City Council, approve proposed changes in the priority or maximum expense of projects based upon changed circumstances.

EXHIBIT B



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

150 N STREET, SACRAMENTO, CALIFORNIA

PO BOX 912870, SACRAMENTO, CALIFORNIA 94279-0082

TELEPHONE (916) 324-3828

FAX (916) 323-3307

www.boe.ca.gov

DELLY T. YEC
Acting Member
First District, San Francisco

BILL LEONARDI
Second District, Sacramento/Oakland

CLAUDE PARRISH
Third District, Long Beach

JOHN CHANG
Fourth District, Los Angeles

STEVE WESTLY
State Controller, Sacramento

NAMON J. HIRSIG
Executive Director

February 9, 2006

Mr. Bruce Soublot
Assistant City Attorney
City of Richmond
1401 Marina Way South, Suite C
Richmond, California 94804

Re: [No Permit Number]
Initiative to Increase Taxes

Dear Mr. Soublot:

I am responding to your letter dated September 19, 2005, to Acting Assistant Chief Counsel Selvi Stanislaus. You ask for advice regarding the process for enacting transactions and use taxes.

As we understand it, citizens of the City of Richmond placed on the November ballot an initiative to enact a tax ordinance by direct vote of the people. From previous telephone conversations, we understand that the ordinance was intended to enact a city-wide transactions and use tax under the authority of Revenue and Taxation Code section (Section) 7285.90.¹ During our telephone conversation on January 10, 2006, on this issue, you told me that the initiative did not pass, but you still wanted the Legal Department's advice on this matter. Specifically, you ask if the Board will administer and enforce a city transactions and use tax enacted directly through the initiative process with the city council passing an ordinance later or if the tax must be enacted by the city council first and subsequently approved by the voters.

OPINION

A. Local and District Taxes.

1. Generally.

In California, there is a statewide tax rate of 7.25%. This rate is made up from the California Sales and Use Tax (§§ 6051 et seq. & 6201 et seq.) and the Bradley-Burns Uniform Local Sales and Use

¹ All statutory citations are, unless otherwise stated, to the Revenue and Taxation Code.

(Local) Tax (§§ 7200-7212). Pursuant to the latter, the counties of California impose a 1¼% tax on all sales within their boundaries. Each city within a county also imposes a local sales tax at rates up to 1%. This tax is offset against the county tax so that the rate within each county is a uniform 1¼%.²

In 1969, the Legislature enacted the Transactions and Use (District) Tax Law. (§ 7251 et seq.) Under enabling statutes in various codes, local jurisdictions may impose transactions (sales) and use taxes at varying rates measured by the gross receipts from the sales within the jurisdiction of tangible personal property sold at retail or by the sales price of property whose use, storage, or consumption within the jurisdiction is otherwise subject to tax. (§§ 7261, subd. (a) & 7262, subd. (a).) Although counties and cities may also impose such taxes, all entities imposing such taxes are called "districts." (§§ 7211 & 7252.) No matter where the enabling authority is found, all district taxes are administered by the Board under the District Tax Law.

2. City Authority to Levy District Taxes.

Section 7285.90 was enacted as part of SB 566. (Stats. 2003, ch. 709, § 6 [in effect January 1, 2004].) Under the Local Tax Law, cities that enact local sales and use taxes in addition to the taxes authorized under the Local Tax Law face the possibility of being taken out of the local tax system unless they repeal the offending tax ordinance. (§ 7203.5.) As a result, prior to SB 566, when a city wanted to levy a district tax, it had to get special authority from the Legislature. Beginning in 1990, the Legislature authorized about 25 such city district taxes. Finally, the Legislature enacted Sections 7285.90 through 7285.92 in SB 566 to give cities the same plenary authority to enact district taxes that counties enjoyed under Sections 7285 and 7285.5, so cities did not have to go to the Legislature for special authority for each tax.³

Prior to the passage of SB 566, under Section 7285, a county district tax could be enacted in one of two ways: (1) the Board of Supervisors would enact a tax ordinance and submit it to the voters for approval; or (2) the voters would pass a resolution approving the enactment of a tax and the Board of Supervisors would then pass an ordinance actually imposing the tax. On several occasions, however, when the latter method was employed, the Board of Supervisors did not enact the necessary ordinance as a matter of course and had to be prompted numerous times by the Board's Local Revenue and Allocation Section, the Board office responsible for administering local and district taxes. Another purpose of SB 566, therefore, was to delete from Section 7285 the authority to enact a district tax pursuant to voters' resolution prior to the Board of Supervisors passing a tax.⁴

The language of Sections 7285.90 and 7285.91 was derived from the amended versions of Sections 7285 and 7285.5, respectively, as contained in Section 5 of SB 566. SB 566 deleted the authority from section 7285 for the voters to approve the tax prior to the county levying it. SB 566 intended to give the cities no more authority to levy district taxes than the counties had. As a result,

² During the period subject to the "Triple Flip," the rates are 1% (county) and 0.75% (city), respectively. (§ 7203.1.)

³ Section 7285.92 clarified that the authority to enact a district was tax in addition to any special authority a city might already have had and that such city taxes were subject to the total district tax rate cap contained in Section 7251.1.

⁴ Section 7285.5 (district tax for special purposes) never contained such authority. SB 566 also made amendments to Section 7285.5 not relevant here. (SB 566, § 5.)

Mr. Bruce Soubllet
February 9, 2006
Page 3

EXHIBIT B

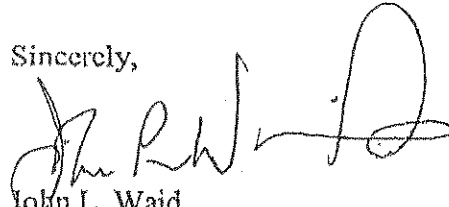
Section 7285.90 does not contain authority for a city to enact a district tax pursuant to action by the voters prior to the governing body of that city enacting a district tax ordinance.⁵

The Board cannot administer a district tax ordinance that is not enacted pursuant to the procedures authorized in the enabling legislation. (76 Ops.Cal.Atty.Gen. 98 (1993).) Attempting to enact the ordinance by having the voters approve a tax through the initiative process prior to action by the City's governing body is not authorized by Section 7285.90. As a result, had the initiative passed, we could not have recommended to the Board that it execute the administration agreement with the city required by Section 7270. A district tax ordinance cannot go into effect until such agreement is executed. (§ 7270, subd. (a).) Therefore, a citywide district tax enacted by initiative cannot become operative if the prior approval of the city's governing body has not been timely obtained.

There is an additional consideration. As an administrative agency, the Board does not have the authority to declare a city ordinance invalid. (See Cal. Const., art. III, § 3.5; §§ 7261, subd. (b) & 7262, subd. (a).) Consequently, had the ordinance passed, it would presumably have been a valid tax ordinance. (See *Rossi v. Brown* (1995) 9 Cal. 4th 688.) It would thus have been an additional local sales and use tax prohibited by Section 7203.5. Under the provisions of that statute, the city would have had to repeal the ordinance or be taken out of the local tax program. Since the tax would have been enacted by initiative, it could only have been repealed by initiative (*Id.* at p. 696, fn. 2). It is thus likely that the city would have been taken out of the local tax program, and local sales and use tax revenue currently being distributed to the city would have been defaulted to the county until the ordinance was repealed in the next election.

I hope the above discussion has answered your question. If you need anything further, please do not hesitate to write again.

Sincerely,



John L. Waid
Senior Tax Counsel

JLW:ef

cc: Mr. Larry Micheli (MIC:27)
Ms. Carole Ruwart (MIC:82)

⁵ Section 7285.91 specifies that, for a tax for special purposes, voter approval must occur "subsequently" to the enactment of the ordinance. The reason is that, as noted above, the language of Section 7285.91 is derived from Section 7285.5, which never had authority for voters to approve a tax prior to the Board of Supervisors passing the ordinance. As a result, the Legislature specified that voter approval was to occur after the ordinance was enacted. That Section 7285.90 does not contain the word "subsequently" does not create authority to reverse the procedure in the case of a tax for general purposes.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
IMPOSING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED
BY THE STATE BOARD OF EQUALIZATION AND ADDING CHAPTER
3.09 TO THE LODI MUNICIPAL CODE

=====

THE PEOPLE OF THE CITY OF LODI DO ORDAIN AS FOLLOWS:

SECTION 1. The Lodi Municipal Code is hereby amended by the addition of Chapter 3.09, which shall read as follows:

3.09.010 Title and Effect

This chapter shall be known as the City of Lodi Transactions and Use Tax Ordinance. This chapter shall be applicable in the incorporated territory of the City of Lodi ("City"). This chapter shall complement, and not replace or supersede, the City's existing sales and use tax, as such tax is described in Chapter 3.08 of the Municipal Code.

3.09.020 Operative Date

As used in Chapter 3.09, "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter. If this chapter is approved by the voters at the November 7, 2006, election, the operative date shall be April 1, 2007.

3.09.030 Purpose

This chapter is adopted to achieve the following, among other purposes, and the City Council directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2, which authorizes the City to adopt this tax chapter, which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

- D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3.09.040 Expenditure Plan

- A. The Expenditure Plan is designed to ensure that the City accomplishes the specific projects listed below with the revenue generated from the transactions and use tax. The revenue from the transactions and use tax shall be expended on these specific projects in the following order of priority:
1. Placing paramedics on fire engines in the City (up to \$700,000 per year for six years);
 2. Design and construction of Fire Station #5, which shall be located in the southeast portion of the City (up to \$2,000,000);
 3. Construction of the Lodi Aquatics Center (up to \$9,000,000);
 4. Design and construction of a replacement for Fire Station #2, which shall be located in the eastern portion of the City (up to \$2,000,000);
 5. Construction of a downtown indoor sports center (up to \$9,000,000); and
 6. Maintenance and operation of the facilities above (up to \$1,500,000).
- B. Once the City has collected revenue from this transactions and use tax in the amount of \$700,000, it shall hire an appropriate number of paramedics and begin providing paramedic services on fire engines in the City within twelve months. Thereafter, subject to its ongoing duty to expend \$700,000 per year to fund paramedics pursuant to this Expenditure Plan, once the City collects the amount listed for each subsequent project it shall begin design or construction of the designated facilities within six months.
- C. The City Council shall appoint an advisory committee to ensure that the revenue from the transactions and use tax is spent in accordance with the actual terms and overall intent of this chapter. The committee shall consist of five individuals and shall, at all times, include one member of Lodi Professional Firefighters Local 1225, one member of the Lodi City Swim Club, one member of the Lodi Sports Foundation, one member of the City Council, and one person selected at large by the City Council in its discretion. Each member of the advisory committee shall serve for a term of two years, which term may be renewed by the City Council. In the event of a vacancy on the committee, the City Council shall appoint an appropriate replacement member.
- D. If the City Council and the advisory committee both determine that the maximum dollar amount to be spent on one or more of these projects is insufficient to achieve the goals of this chapter, the City Council may increase the maximum dollar amount for such project(s), provided that it first holds a noticed public hearing and makes specific findings that the increased expenditures for one or more projects is necessary to complete such project(s) in an effective manner and to fulfill the intent of this chapter.

- E. If the City Council and the advisory committee both determine that the order of priority for these projects should be changed, the City Council may change the order of priority, provided that it first holds a noticed public hearing and makes specific findings that the change in the order of priority is in the best interests of the City and its residents.
- F. Once revenue in the amounts listed above has been spent on the services and facilities included in each of these projects, any remaining revenue raised through this transactions and use tax shall be spent to help maintain such services and facilities.

3.09.050 Contract with State

Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided that, if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

3.09.060 Transactions Tax Rate

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of .25% (one quarter of one percent) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this chapter.

3.09.070 Place of Sale

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.09.080 Use Tax Rate

An excise tax is hereby imposed on the storage, use, or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this chapter for storage, use, or other consumption in said territory at the rate of .25% (one quarter of one percent) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.09.090 Adoption of Provisions of State Law

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.09.100 Limitations on Adoption of State Law and Collection of Use Taxes

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
 - 1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
 - 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.
 - 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use, or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use, or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b. Impose this tax with respect to certain sales, storage, use, or other consumption of tangible personal property, which would not be subject to tax by the state under the said provision of that code.
 - 4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, or 6828 of the Revenue and Taxation Code.
- B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.09.110 Permit not Required

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

3.09.120 Exemptions and Exclusions

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:
 - 1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 - 2. Sales of property to be used outside the City, which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 - 3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.
 - 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this chapter.
 - 5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

- C. There are exempted from the use tax imposed by this chapter, the storage, use, or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this chapter.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use, or other consumption of which is subject to the use tax.

3.09.130 Amendments

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. Except as provided above and in Section 3.40.140, this chapter may be amended only by the voters pursuant to the provisions of Elections Code section 9217 and as provided by law.

3.09.140 Termination of Tax

The transactions and use tax imposed by this Chapter shall terminate ten years from the Operative Date.

3.09.150 Enjoining Collection Forbidden

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 2. Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTION 3. Effective Date. This chapter is related to the levying and collecting of the City transactions and use tax and shall take effect immediately (see Section 1, 3.09.020, "Operative Date").

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect immediately after its passage and approval (see Section 1, 3.09.020, "Operative Date").

Attest:

Approved this _____ day of _____, 2006.

JENNIFER M. PERRIN
Interim City Clerk

SUSAN HITCHCOCK
Mayor

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Interim City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held June 21, 2006, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. _____ was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Implementing the Treatment and Direct Utilization of the Surface Water Supply from the Woodbridge Irrigation District Contractual Allotment and Authorizing Solicitation of Proposals for Technical Studies of Implementing this Option

MEETING DATE: June 21, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution initiating direct use of the Woodbridge Irrigation District (WID) annual 6,000 acre-feet contractual allotment by authorizing the solicitation of proposals for technical studies as described below.

BACKGROUND INFORMATION: On several past occasions, the City Council has received information regarding the usage of the City's contracted 6,000 acre-feet per year of Mokelumne River water from WID. Copies of the most recent staff reports are attached (Attachments A and B).

Staff has recommended direct use of this water over groundwater recharge. At the April 19, 2006 meeting, Council asked a number of questions and requested additional information and, at the request of Mr. Ed Steffani of the North San Joaquin Water Conservation District (NSJWCD), delayed making a decision pending the results of a recharge test at a site adjacent to Micke Grove. This report answers those questions, provides the requested information, and summarizes the reasons for the staff recommendation of planning for direct use of the water.

Questions/Answers

? What are the results of the Micke Grove recharge test?

A The test was not completed. The lease-holder did not agree to continue the test. This raises a fundamental question of landowner consent and the City Council's willingness to pursue a project at any given location over a property owner's or tenant's objections.

? How would the City recover recharged water at the Micke Grove site?

A In order to recover recharged water at the Micke Grove site, the City would need to install a well field and water mains connecting the well field to the City's system (Attachment C). This is a different project than the recharge project alternative previously discussed. Properly sizing, locating and cost estimating a well field would require an extensive hydrogeology study and field tests. For purposes of this concept level discussion, we assumed the same number and cost of wells that would be needed to meet the City's needs under future conditions (5 wells, \$3 million). Also, we estimated that a 30-inch water transmission main (and possibly a booster pump station) would be needed at an additional cost of approximately \$5 million. Thus, the total cost of the recovery system would be approximately \$8 million. Note that this

APPROVED: _____
Blair King, City Manager

well field would be located in and near planned development in North Stockton. This raises numerous complications and issues regarding the future viability of this project.

? What are the cost implications of purchasing versus leasing property?

A Lease costs versus purchase costs are estimated and summarized in the table below:

Recharge Basin - Land Cost Comparisons

Land Area:	88 Acres				
Purchase Cost/Acre¹⁾:	\$ 30,000	\$ 60,000	\$ 100,000	\$ 200,000	\$ 300,000
Total Cost (Purchase):	\$ 2,640,000	\$ 5,280,000	\$ 8,800,000	\$17,600,000	\$26,400,000
Lease Term:	40 Years				
Lease Cost/Acre/Year:	\$ 225	\$ 275	\$ 350	\$ 500	\$ 750
Initial Costs²⁾:	\$ 880,000	\$ 880,000	\$ 880,000	\$ 880,000	\$ 880,000
Total Cost (40 Yr. Lease):	\$ 1,672,000	\$ 1,848,000	\$ 2,112,000	\$ 2,640,000	\$ 3,520,000

Notes:

1) Purchase cost includes any site development and/or conveyance costs in addition to actual basin construction costs.

2) Initial costs for lease assumes \$10,000 per acre allowance to compensate owner for removal of vines, trees, etc.

Leasing is most likely to be less expensive, although depending on purchase price and lease terms, purchasing could be less expensive over time. The above calculations do not take into account the time value of money, future value of the land and improvements after the assumed 40-year term and the value of maintaining permanent open space.

? What are the water chemistry issues at the Micke Grove site?

A The area is known to have DBCP contamination. The City Attorney has indicated that actions that move or spread contamination could place the City in a difficult liability situation. Also, while the City's costs for DBCP removal in City wells are covered under the terms of a settlement agreement, it is not specific as to how the settlement would apply to wells placed outside the City as part of a recharge/recovery project. Quality of the water recovered from a recharge site would likely be a blend of native groundwater and recharged water.

One water test was done at Armstrong and Pearson Roads, and while no DBCP was found, the water was high in bacteria and nitrate, possibly indicating septic tank influence; see below:

Adopt Resolution Implementing the Treatment and Direct Utilization of the Surface Water Supply from the Woodbridge Irrigation District Contractual Allotment and Authorizing Solicitation of Proposals for Technical Studies of Implementing this Option

June 21, 2006

Page 3

Constituent	Test Site	City Well Average	Notes
Nitrate (mg/l as N)	6.9	2.1	MCL is 10
Total Dissolved Solids (TDS) mg/l	556	247	Delta Goal is 450
Total Coliform Bacteria	170	<1	Over 1.1 would be a drinking water failure

? What are the cost estimates for recharge versus a treatment plant?

- A** The cost estimates have a fairly wide range given the large variation in possible land costs for recharge, the uncertainty over future treatment costs for well water and the lack of site and technology assessment for direct use of the surface water. Based on the above land costs and the detail cost information from Attachment A, Exhibit B, the following table summarizes these ranges. In the short-term, recharge could cost less money. Capital costs of either project can be recovered through Water Impact Fees or other development financing mechanisms. Increased operational costs could be recovered through rate surcharges or community facilities district charges for new development; however, this would effectively mean that the City would have two rate zones, which has not been recommended by staff.

Recharge vs. Direct Use Capital Costs

	Low Range		High Range	
Recharge:	\$ 6,013,000	leased land @ \$350/acre for 40 years	\$ 30,301,000	purchased land @ \$300,000/acre
Recharge w/Recovery:	\$ 11,013,000	above plus transmission system	\$ 35,301,000	above plus transmission system
Direct Use:	\$ 29,500,000	latest estimate	\$ 36,700,000	2004 estimate

Summary of Supporting Information

The reasons behind the staff recommendation for direct use of the WID water are many. Briefly, they are:

- **Diversification of Supply** – Use of multiple supply sources is the preferred model for urban water providers. In particular, conjunctive use of surface water and groundwater is a key element in the California Water Plan (Attachment D). Key to this strategy is using surface water when it is available (in-lieu recharge) and using groundwater in dry years. This strategy is being embraced by many Central Valley cities.
- **Sustainable Use** – The groundwater basin in which Lodi draws its water is being overused to the point the area is seeing water quality being adversely affected. This is not a sustainable practice. The United States Geological Survey has issued a report on groundwater use in the Western

States that states: "Prudent management would give serious consideration to strategies that rely on surface water and hold groundwater in reserve."

- Improvement in Wastewater Quality – Mokelumne River water is substantially lower in total dissolved solids (TDS) than our groundwater. Using this source will reduce the TDS of our wastewater by 14% to 28% depending on a variety of factors. Since our effluent is very near the current goal for Delta discharges, a reduction could help forestall more expensive treatment.
- Recommendations from Others – Staff routinely meets with other water providers in the area and has sought out their opinions on this question. A large majority of those opinions recommend direct use. We have received formal support for direct use from WID and NSJWCD (Attachment E, F). The staff presentation will include comments from staff from WID, San Joaquin County Water Resources Division and City of Stockton.
- Legal Support – While legally either option can be done, staff sought the legal opinion of an expert in water rights. Dan O'Hanlon, of Kronick, Moscovitz, Tiedeman & Gerard has been assisting the City in the PCE/TCE issue and other matters. He is also legal counsel for a number of water districts outside San Joaquin County. The City Attorney has provided the Council a confidential memo on the subject. The Summary of Conclusions states:

"You have asked me to review the potential legal implications of alternative approaches to use of the surface water supply that the City of Lodi has acquired through a contract with Woodbridge Irrigation District. The City is considering two basic options: (1) use the surface supply to recharge the groundwater aquifer, and continue to rely on groundwater as its sole source of supply; or (2) treat and use the surface supply directly, and thereby reduce its use of groundwater.

In our view, the second option, treating and directly using the surface supply, offers the most protection for the City's rights to its water supply. Likewise, we believe that treating and directly using the surface supply puts the City in the strongest position to satisfy its obligations to plan for and provide reliable water supplies. The reasons for these conclusions are discussed below.

Our review is limited to the potential legal implications of the two alternative courses of action. We have not addressed and express no view regarding the relative costs of the two courses of action, or any other relevant factors that may influence the City's ultimate view of the best course of action."

Recommendation

Staff is requesting City Council approval to initiate implementation of the direct use option to utilize the WID 6,000 acre-feet contractual allotment. The first steps will be to solicit proposals from three water consulting firms: HDR, RMC, and West Yost & Associates, all of whom were previously pre-qualified for Lodi water studies. The time frame from proposal solicitation to final deliverables is 12 months and the estimated cost is expected to range from \$250,000 to \$500,000. The studies are all interrelated and will include:

- Process Evaluation/Pilot Study – This study will evaluate various technologies for direct use of the water, with emphasis on meeting the latest and anticipated regulatory requirements and minimizing taste and odor issues.

Adopt Resolution Implementing the Treatment and Direct Utilization of the Surface Water Supply from the Woodbridge Irrigation District Contractual Allotment and Authorizing Solicitation of Proposals for Technical Studies of Implementing this Option

June 21, 2006

Page 5

- Watershed Sanitary Survey – One regulatory requirement for use of surface water is a study of the source waters to identify potential contaminants and other issues that could affect the design of the system.
- Site Assessments – As noted, there are at least two potential sites for the necessary facilities. These need to be evaluated in light of the two previous studies.
- Cost Estimates – These will pull together the information from the three previous studies and evaluate alternatives on a cost basis. Included in this will be consideration of possible arrangements with other water providers and potential for phased construction.
- Financing Plan – This will identify possible arrangements to finance the facilities and impacts to development fees and water rates.
- Environmental/Regulatory Actions – The project will need an environmental impact report and a permit from the State Department of Health Services.
- General Plan – While this is a separate endeavor, staff will work with the General Plan consultants to incorporate appropriate policies and implementation measures. Given that 2/3 of the City's water supply will still come from groundwater, staff will recommend that the City pursue groundwater recharge, using storm water and any other intermittent water supply that may become available.

FISCAL IMPACT:

No fiscal impact at this time. Staff will return to Council requesting authorization to execute a professional services agreement with the successful firm. Note that the City is paying WID \$100,000 per month for this water. The banking provisions of the agreement provide for our future use of past paid-for water at a later date. WID has agreed to a four year extension of the banking provisions and staff will be returning to Council for formal approval when the actual wording of the agreement amendment is finalized.

FUNDING AVAILABLE: Water Fund

Richard C. Prima, Jr.
Public Works Director

RCP/pmf

cc: Steve Schwabauer, City Attorney
Wally Sandelin, City Engineer
Anders Christensen, Woodbridge Irrigation District
Mel Lytle, San Joaquin County Water Resources Division
Mark Madison, City of Stockton Municipal Utilities
Ed Steffani, North San Joaquin Water Conservation District
Dan O'Hanlon, KMTG



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Receive Background Information on Implementing Woodbridge Irrigation District Surface Water Program

MEETING DATE: March 1, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council receive background information on implementing the surface water treatment program utilizing the Woodbridge Irrigation District (WID) 6,000 acre-feet contractual allotment. This material is being provided in advance of the March 15, 2006 Council meeting at which staff will request preliminary approvals as described.

BACKGROUND INFORMATION: On several past occasions, the Council has received information regarding the acquisition and usage of 6,000 acre-feet per year of Mokelumne River water from Woodbridge Irrigation District. In May 2003, the City contracted with WID to provide untreated surface water to Lodi for 40 years. At the September 21, 2004 Shirtsleeve meeting, the Water Supply Options Report was presented to the Council. At the April 19, 2005 Shirtsleeve meeting, staff again presented alternatives for implementing the 6,000 acre-feet per year surface water supply. On April 20, 2005, Council approved hiring a consultant to further study and develop a recommendation for full implementation of the WID surface water supply. On June 9, 2005, Council was given a copy of the WID Surface Water Implementation Study. On November 1, 2005, Council received a presentation from the consultant and the recommendation that the City go to a conjunctive use water supply system – one that utilizes both groundwater and treated surface water to serve the demands of Lodi's customers.

Over the course of the past three years, a number of alternatives have been considered with the most feasible options being "treat and drink" and "groundwater recharge". Some of the other alternatives studied include: 1) injection well recharge, 2) raw water irrigation of parks and schools, 3) recharge ponds within the City limits, 4) recharge ponds using North San Joaquin Water Conservation District facilities, 5) East Bay Municipal Utility District banking, and 6) interim supply to Stockton recharge ponds. These alternatives were ruled out primarily due to high costs and regulatory uncertainties.

At the regional level, City of Lodi has been participating in several water supply activities that will, hopefully, bring additional water supplies to the City and the other agencies in the region. Examples include the Mokelumne River Water and Power Authority MORE Project that seeks to capture unappropriated peak flows in the Mokelumne River. Also, Lodi is collaborating with Stockton East Water District, North San Joaquin Water Conservation District and WID on a pilot-scale recharge project near Micke Grove Park. North San Joaquin Water Conservation District recently passed a groundwater recharge assessment for their groundwater recharge and is evaluating multiple sites in its district. Note that a large part of the City (generally, the area east of Mills Avenue) is within the District and pays this nominal assessment.

APPROVED:

Blair King, City Manager

The recently-completed 2005 Urban Water Management Plan concisely presents the City's existing and future water supply vs. demand outlook (see Exhibit A). As shown on Exhibit A, the safe long-term yield of the groundwater basin underlying the City is estimated at 15,000 acre-feet annually (afa). At present, the City is using 17,300 afa to meet the demands of existing customers, reflecting a current need for additional water supply and/or conservation.

The UWMP anticipates that through a combination of conservation (the on-going City-wide installation of water meters is expected to conserve approximately 2,400 afa upon completion) and adding 6,000 afa of WID treated surface water, the City's sustainable water supply will meet or exceed the projected water demands up to the year 2029.

The City Council will be asked to support staff's recommendation to pursue the "treat and drink" alternative on the basis it is the "**highest and best use**" of the WID water given a number of factors that are compared below.

Cost

The estimated construction cost for a surface water treatment facility and associated facilities is estimated to be up to \$29.5 million. These costs are inclusive of site acquisition, surface water diversion piping, ultrafiltration (without pretreatment) using membrane technology, chlorine disinfection, transmission piping, and storage tanks. This alternative does eliminate the need to construct additional wells to serve future demands.

The construction cost for a groundwater recharge program is estimated to be \$30.3 million. This assumes a recharge field 88 acres in size adjacent to the WID canal at \$300,000 per acre, including site improvements and pipe appurtenances. Construction of five new wells is included in the estimate.

These costs are different from other numbers that have been discussed in the past. A comparison of former and current estimates is provided in Exhibit B.

In either scenario, new development is expected to fund the capital improvements. Operating and maintenance costs are considerably higher for the "treat and drink" alternative, when compared to the recharge option. The change to current rates would be an increase of approximately 15% (very rough estimate), if the burden was shared City-wide.

Benefit

Criteria to evaluate benefits to the City of Lodi and the region include: 1) direct benefit to the groundwater resource, 2) long-term water quality, 3) sharing the regional burden, and 4) time of use. Each is discussed below.

Benefit to the Groundwater Resource

In the context that the water demands of existing Lodi are matched by the safe yield of the groundwater resource, the "treat and drink" alternative eliminates further mining of the groundwater and, thereby, results in the highest direct benefit to the groundwater basin currently serving the City.

Groundwater recharge programs have a number of inherent losses including evaporation, uptake by plant materials, and capture within the soil column. These losses can be as high as 30 percent, meaning

the process is about 70% efficient. In addition, the recharge water, once it reaches the groundwater, moves away from the Lodi point of use and toward the central/eastern-County groundwater depression. A map of the County groundwater contours is provided in Exhibit C.

Long-Term Water Quality

Lodi has long enjoyed a high quality of water that is pumped from the ground through wells that are clustered in relatively close proximity to the Mokelumne River. Not only has the quality of water been excellent, but the yield from each well has been relatively high, with an average yield of approximately 1,400 gallons per minute. Based upon experience and water quality information for areas southerly and westerly of the City, new wells in these areas are expected to have a higher salinity level and lower yields.

For the "treat and drink" alternative, the salinity levels in the treated surface water will be lower than levels currently found in the groundwater. Combining these two sources for potable use will result in a lowering of salinity levels in both our drinking water and our wastewater. This provides a long-term tangible benefit to the City as the State is expected to impose limits on salinity for discharges to the Delta. Lowering the salinity of our "source water" will help avoid very costly improvements to remove salinity at the wastewater end of the use cycle.

A groundwater recharge program will essentially not alter the water quality characteristics of the City's groundwater resource.

The "treat and drink" alternative will result in chlorination of the entire City water system as is required by State regulation. Most in the industry agree that chlorination requirements will also be imposed upon all groundwater users in the foreseeable future.

Sharing the Regional Burden

On a regional basis, the various cities and agencies are collaboratively working to enhance the supply side of the region's groundwater resource. The groundwater basin Lodi shares with other agencies and individual property owners is being mined by over 150,000 afa. This results in declining water levels in wells, which reduces yield, increases pumping costs, and impacts water quality as more saline water is drawn into the basin, rendering wells unfit for use. 150,000 afa and more is needed to meet the goal to reverse and stabilize this problem. On a conceptual level, the principal strategies to achieve this goal include: 1) securing additional surface water resources, 2) elimination or deferral of further groundwater pumping, 3) banking through recharge or deferral of pumping, and 4) regional recharge. The MORE project was described above. The Stockton Delta Water Supply Project includes a treatment plant that will begin treating 56,000 afa within three years. Lodi's water treatment plant can begin producing 6,000 afa of treated drinking water within 4.5 years. A recharge program would provide somewhat less regional benefit by virtue of the losses described above.

Time of Use

Water demands within the City are highest in the spring, summer and fall. Conversely, the lowest demands are in the winter. Our WID water is available from March 1 through October 15, and this perfectly matches our highest demand period. Lodi has secured high quality surface water deliveries that meld with demands, both in quantity and in time. To store such water in the ground during periods of peak demands does not make a lot of sense.

As is the strategy of many of the regional recharge programs, excess water, that usually becomes available in the winter months, is diverted to fallow fields for percolation. Often times, this water is sediment laden and well suited for groundwater recharge. The City of Lodi could pursue a similar strategy by diverting storm drainage water to recharge areas and/or by altering designs for new developments to incorporate recharge facilities.

Staff Recommendation

At the March 15 meeting, staff will be requesting City Council approval to move forward with the "treat and drink" alternative and that the City Council authorize staff to solicit proposals for Preliminary Water Treatment Master Planning work required to prepare preliminary design alternatives and further recommendations. Design alternatives could include partnerships with other agencies.

Among the tasks to be done are:

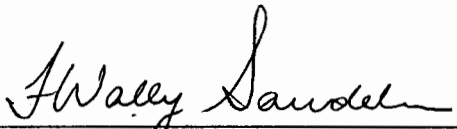
1. Watershed Assessment
2. Process Evaluation and Pilot Testing
3. Alternative Site Evaluations
4. Cost Estimates
5. Financing Alternatives
6. Environmental and Regulatory Considerations

Staff recognizes that this recommendation is not what we anticipated when the WID water purchase agreement was made. Since then, a number of factors have made groundwater recharge a less desirable alternative. Regulatory requirements on recharge projects have increased in the last few years and, most recently, water rights and underground storage permit requirements are making recharge projects more uncertain in the long-run. However, as noted earlier, recharge may be a viable alternative for the irregular peak flows associated with local storms and high river runoff events.

Due to the design complexity, regulatory requirements and cost of projects of this nature, major design decisions today are no longer made unilaterally by a project team. Instead, a consensus is reached only after participation by members of the design team and individuals outside the team, including owners, operators, regulatory agencies and the general public. Therefore, a process of measured steps, of which this is the first, is our recommendation.

FISCAL IMPACT: Information only. None at this time.

FUNDING AVAILABLE: Not applicable.

for 
Richard C. Prima, Jr.
Public Works Director

Prepared by Richard Prima, Public Works Director and F. Wally Sandelin, City Engineer

RCP/FWS/pmf

Attachments

EXHIBIT A

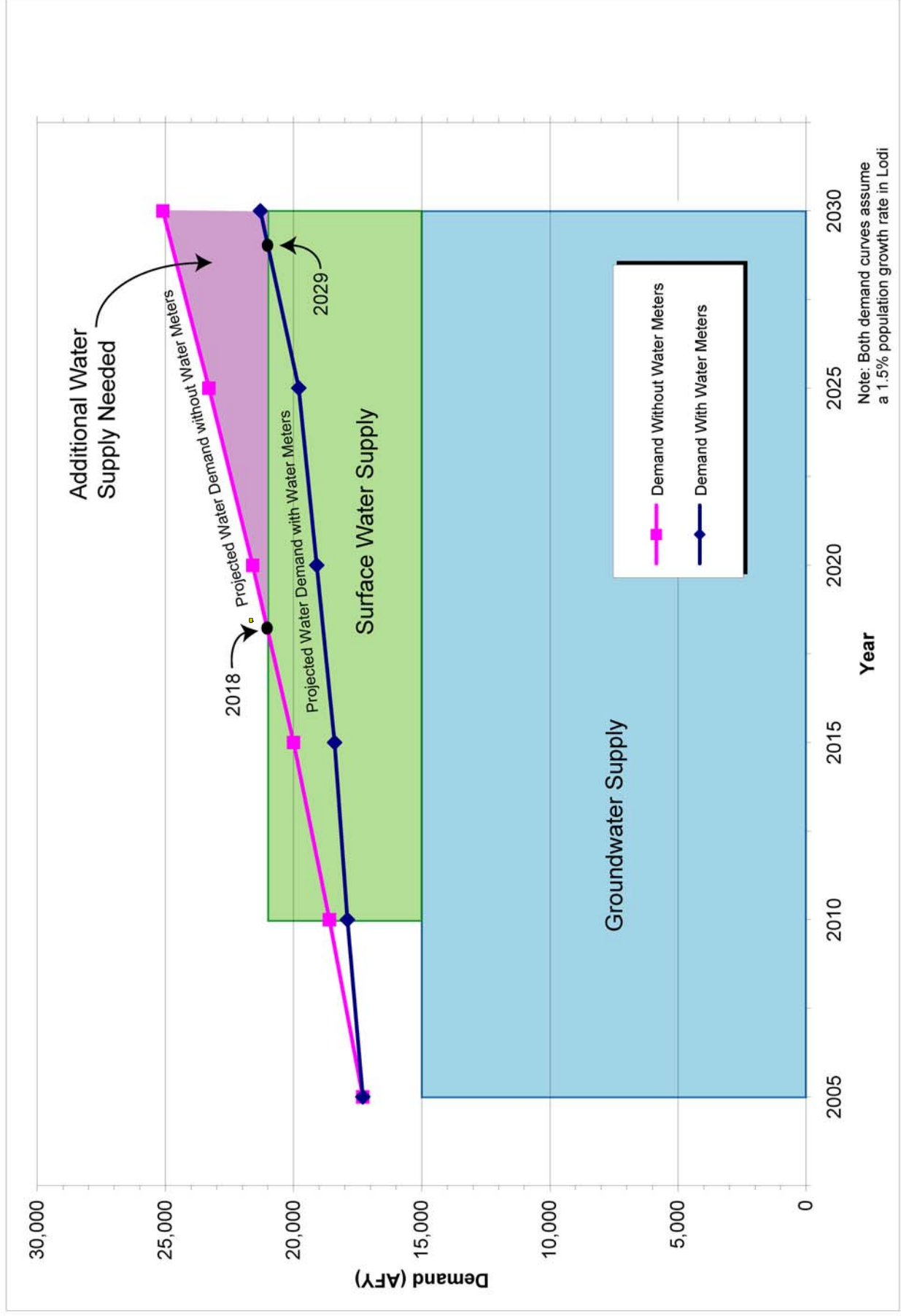


EXHIBIT B

Comparison of Planning Cost Estimates

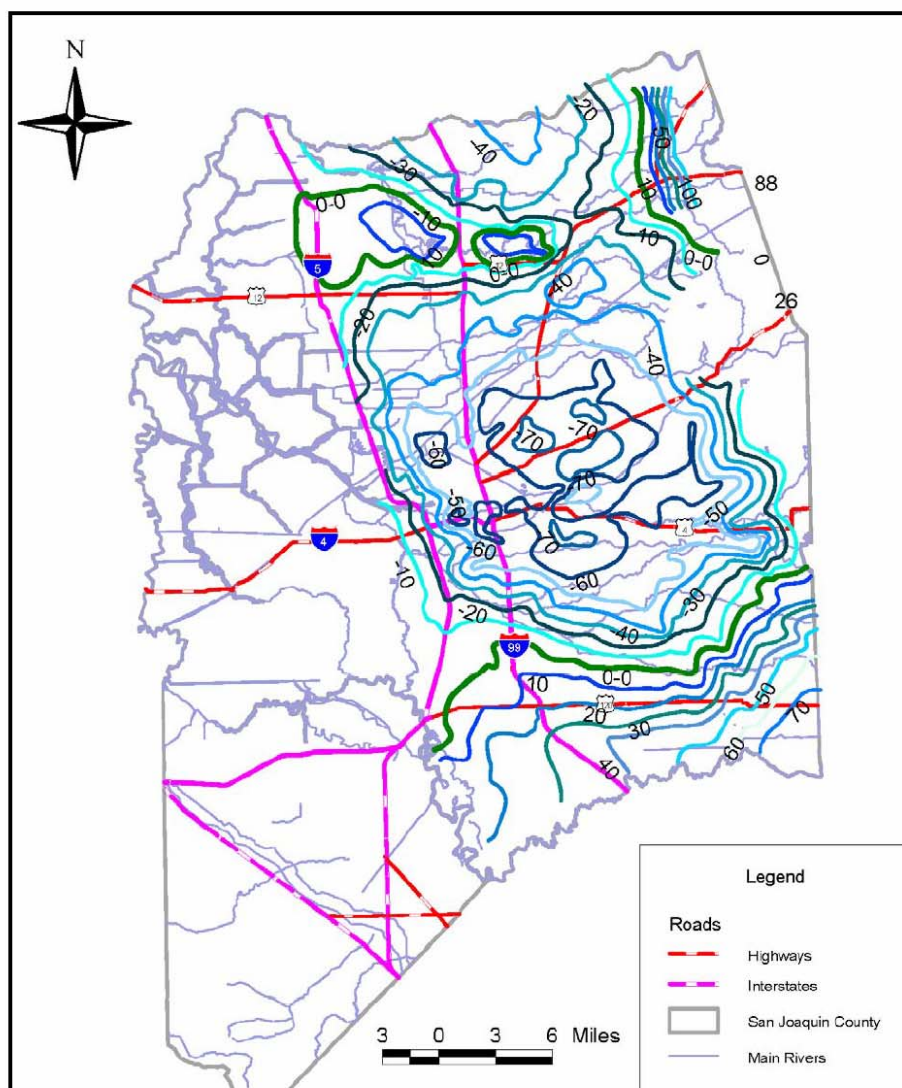
Recharge Basin

	2005	2006
Construction of Recharge Basin	\$593,000	\$593,000
Construction Contingency (20%)	\$119,000	\$119,000
Engineering and Other Fees (15%)	\$89,000	\$89,000
Subtotal	\$801,000	\$801,000
Purchase Land for Basin	\$17,600,000	\$26,400,000 ⁽¹⁾
CEQA/NEPA	\$100,000	\$100,000
Water Wells		\$3,000,000 ⁽²⁾
Total	\$18,501,000	\$30,301,000

Surface Water Treatment Plant

	2005	2006
Surface Water Treatment Plant and Associated Transmission Facilities	\$25,700,000	\$20,000,000 ⁽³⁾
Construction Contingency (20%)	\$5,100,000	\$4,000,000
Engineering and Other Fees (15%)	\$3,900,000	\$3,000,000
Subtotal	\$34,700,000	\$27,000,000
Purchase Land for Plant	\$1,000,000	\$1,500,000 ⁽⁴⁾
CEQA/NEPA	\$1,000,000	\$1,000,000
Total	\$36,700,000 ⁽⁵⁾	\$29,500,000

- (1) The land cost for 88 acres is assumed to be \$300,000 per acre compared to \$200,000 per acre as reflected in the West Yost Lodi Surface Water Implementation TM. (West Yost TM)
- (2) Five new wells are required for the groundwater recharge alternative and the estimated construction cost is \$600,000 per well or \$3,000,000. This cost was not included in the West Yost TM.
- (3) Further research into the type of treatment processes and after visitation to three Northern California plants, a better planning estimate has been determined to be \$20,000,000 for constructing a 10 MGD treatment plant and associated transmission facilities.
- (4) The land cost for 5 acres is assumed to be \$300,000 per acre, compared to \$200,000 per acres as reflected in the West Yost TM.
- (5) The West Yost TM presented a \$50 million number that was \$36.7 million adjusted to the forecast mid-point of construction.

Eastern San Joaquin Groundwater Basin Groundwater Management Plan**Figure ES-2 Fall 1993 Groundwater Contours**

Source: Camp Dresser & McKee Inc.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Implementing Surface Water Treatment Program Utilizing Woodbridge Irrigation District Contractual Allotment and Authorizing Solicitation of Water Treatment Plant Proposals

MEETING DATE: April 19, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution implementing the surface water treatment program utilizing the Woodbridge Irrigation District (WID) 6,000 acre-feet contractual allotment by authorizing the solicitation of proposals from three water consulting firms for preliminary water treatment plant studies. **This staff report contains similar information to that presented at the March 1, 2006 Council meeting. Additional information to address comments received by staff have been added and are identified by bold text.**

BACKGROUND INFORMATION: On several past occasions, the City Council has received information regarding the acquisition and usage of 6,000 acre-feet per year of Mokelumne River water from Woodbridge Irrigation District. In May 2003, the City contracted with WID to provide untreated surface water to Lodi for 40 years. At the September 21, 2004 Shirtsleeve Meeting, the Water Supply Options Report was presented to the Council. At the April 19, 2005 Shirtsleeve meeting, staff again presented alternatives for implementing the 6,000 acre-feet per year surface water supply. On April 20, 2005, Council approved hiring a consultant to further study and develop a recommendation for full implementation of the WID surface water supply. On June 9, 2005, Council was sent a copy of the WID Surface Water Implementation Study. On November 1, 2005, Council received a presentation from the consultant and the recommendation that the City go to a conjunctive use water supply system – one that utilizes ground water and treated surface water to serve the demands of Lodi's customers.

Over the course of the past three years, a number of alternatives have been considered with the most effort focused upon "treat and drink" and "groundwater recharge." Some of the other alternatives included: 1) injection well recharge, 2) raw water irrigation of parks and schools, 3) recharge ponds within the City limits, 4) recharge ponds using North San Joaquin Water Conservation District facilities, 5) East Bay Municipal Utility District banking, and 6) interim supply to Stockton recharge ponds.

At the regional level, City of Lodi has been participating in several water supply programs that will, in the future, bring additional water supplies to the City and the other agencies in the region. Examples include the Mokelumne River Water and Power Authority MORE Project that seeks to capture unappropriated flows in the Mokelumne River. Also, Lodi is collaborating with Stockton East Water District and North San Joaquin Water Conservation District on a pilot-scale recharge project next to Micke Grove Park. North San Joaquin Water Conservation District recently passed a land-use assessment for a pilot groundwater recharge project and is evaluating multiple sites in its district.

APPROVED: _____

Blair King, City Manager

At present, the City is using 17,300 acre-feet per year to meet the demands of existing customers. Resulting from the installation of water meters that is currently underway, a reduction in demand (through conservation) is realistically expected to be 2,400 acre-feet per year. Therefore, the anticipated future demand for existing Lodi will be approximately 15,000 acre-feet per year. As presented in the 2005 Urban Water Management Plan, the safe, long-term yield of the groundwater underlying the City is 15,000 acre-feet per year.

The City Council is being asked to support staff's recommendation to pursue the "treat and drink" alternative on the basis it is the **"highest and best use"** of the WID water, given a number of factors that are compared below.

Cost

The estimated construction cost for a surface water treatment plant and associated facilities is estimated to be up to \$25 million. These costs are inclusive of site acquisition, surface water diversion piping, ultrafiltration (without pretreatment) using membrane technology, chlorine disinfection, distribution piping, and storage tanks. This alternative does eliminate the need to construct additional wells to serve new demands.

The estimated construction cost for a groundwater recharge program is estimated to be \$30 million. This assumes a recharge field 88 acres in size adjacent to the WID canal at \$300,000 per acre, including site improvements and pipe appurtenances. Construction of five new wells is included in the estimate.

In either scenario, new development is expected to fund the capital improvements. Operating and maintenance costs are considerably higher for the "treat and drink" alternative. The estimated change to current rates would be an increase of approximately 15%, if the burden were shared City-wide.

Staff has received comments stating the recharge option costs have been over estimated and that the Micke Grove Trust lands could be acquired for constructing the recharge basins at a minimal cost. However, the current lease holder has stated intent to farm the Trust property and may not be willing to surrender the lease for the purpose of constructing recharge basins. Therefore, the estimate is based on purchasing the land needed for constructing the recharge basins in the immediate vicinity of the Lodi City limits or adjacent to the current General Plan boundary. Certainly, if land costs are lower, the recharge project would have a lower capital and operating cost compared to the treatment plant option. However, this assumes current conditions pertaining to water quality (see later comments).

Groundwater Rights

The rights to groundwater resulting from surface recharge are not clearly defined in a groundwater basin in an overdraft condition that is not yet adjudicated. Further, the City is assuming we would be getting credit from a recharge program toward meeting requirements of SB 221/SB 610 Water Supply Assessments. Discussions with legal experts on the issue indicated the City's rights to recharged groundwater would best be secured by obtaining a formal resolution from each water agency within the basin limits. It is staff's opinion this could be a daunting task. And, the recommendation relative to securing water supply credits to meet SB221/SB610 requirements was to treat and drink the water.

Benefit

Criteria to evaluate benefits to the City of Lodi and the region include: 1) direct benefit to the groundwater resource, 2) long-term water quality, 3) sharing the regional burden, and 4) time of use. Each is discussed below.

Benefit to the Groundwater Resource

In the context that the water demands of existing Lodi are matched by the safe yield of the groundwater resource, the "treat and drink" alternative eliminates further mining of the groundwater and, thereby, results in the highest direct benefit.

Groundwater recharge programs have a number of inherent losses, including evaporation, uptake by plant materials, and capture within the soil column. These losses can be as high as 30 percent **although proper basin location and construction could improve performance and efficiency**. In addition, the recharge water, once it reaches the groundwater "stream", moves away from the Lodi point of use and toward the central-county depression.

Currently, the groundwater depression is located south and east of Lodi. Recent modeling work performed by San Joaquin County suggests the groundwater depression will shift from its current location to a location (south easterly) more directly east or northeast of Lodi over the next 20+ years. If this prediction becomes reality, the City would want to construct recharge basins at the westerly boundary of the City to assure the City could then extract the water from the ground through its wells.

Long-Term Water Quality

Lodi has long enjoyed a high quality of water that is pumped from the ground through wells that are clustered in relatively close proximity to the Mokelumne River. Not only has the quality of water been excellent, but the yield from each well has been relatively high, with an average of approximately 1,400 gallons per minute per well. Based upon experience and water quality information for areas southerly and westerly of the City, new wells in these areas are expected to have higher salinity levels and lower yields. **As the basin continues to be overdrafted, there is a high risk that groundwater quality will degrade and that future wells will need treatment systems that are not included in the cost estimate.**

For the "treat and drink" alternative, the salinity in the water will be lower than found in the groundwater and this will result in a lowering of salinity levels in the wastewater. This provides a long-term tangible benefit to the City as the State is expected to impose limits on salinity for discharges to the Delta. Lowering the salinity of our "source water" will avoid very costly improvements to remove salinity at the wastewater end of the use cycle.

A groundwater recharge program will essentially not alter the water quality characteristics of the City's groundwater resource.

The "treat and drink" alternative will result in chlorination of the entire City water system, as is required by State regulation. Most in the industry agree that chlorination requirements will also be imposed upon all groundwater users in the foreseeable future. Lodi is the largest community in the State solely using groundwater without regular chlorination.

Sharing the Regional Burden

On a regional basis, the various cities and agencies are collaboratively working to enhance the supply side of the region's groundwater resource. On a conceptual level, the principal strategies to achieve this goal include: 1) securing additional surface water resources, 2) elimination or deferral of further groundwater pumping, 3) banking through recharge or deferral of pumping, and 4) regional recharge. The MORE project was described above. Stockton Delta Water Treatment Plant will begin treating 56,000 acre-feet per year within three years. Lodi's water treatment plant can begin producing 6,000 acre-feet per year of drinking water within 4.5 years. A recharge program would provide somewhat less regional benefit by virtue of the losses described above.

Time of Use

Water demands within the City are highest in the spring, summer and fall. Conversely, the lowest demands are in the winter. Our WID water is available from March 1 through October 15 and this perfectly matches our highest demand period. Lodi has secured high quality water that melds with demands, both in quantity and in time. To store such water in the ground to be pumped out later does not make a lot of sense.

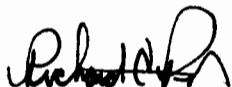
As is the strategy of many of the regional recharge programs, excess water that usually becomes available in the winter months is diverted to fallow fields for percolation. Often times, this water is sediment laden and well suited for groundwater recharge. The City of Lodi could pursue a similar strategy by diverting storm drainage water to recharge areas and/or by altering designs for new developments to incorporate recharge facilities.

Recommendation

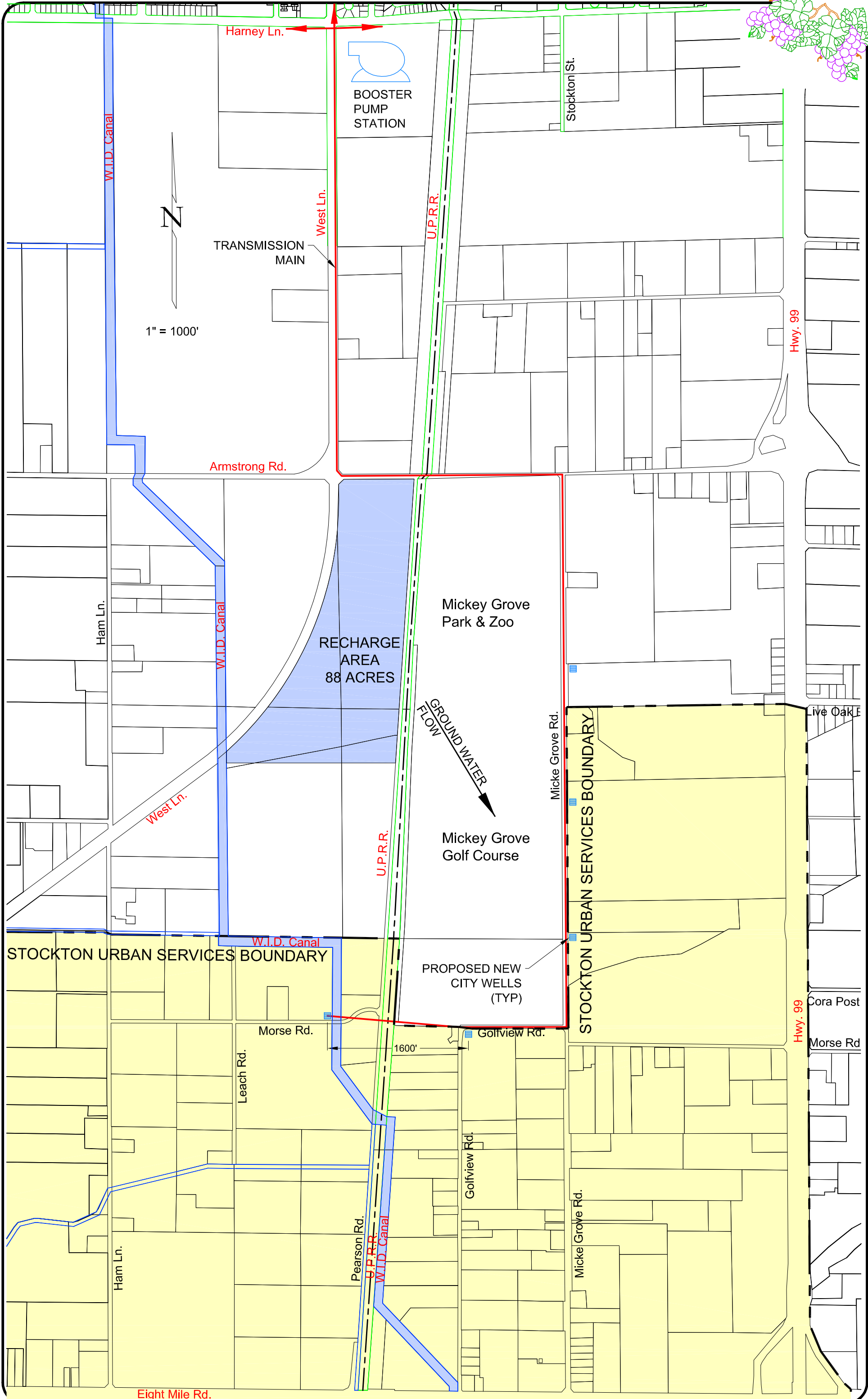
Staff is requesting City Council approval to initiate implementation of a surface water treatment program that would utilize the WID 6,000 acre-feet contractual allotment. The first steps will be to solicit proposals from three water consulting firms: HDR, RMC, and West Yost & Associates, all of whom were previously pre-qualified for Lodi water studies. The time frame from proposal solicitation to final deliverables is 12 months and the estimated cost is expected to range from \$250,000 to \$500,000. Three alternative treatment plant scenarios are currently envisioned: 1) stand-alone Lodi plant, 2) partnering in the Stockton Delta Water Treatment Plant, and 3) stand-alone Lodi plant sharing "source water" with the Stockton Delta Water Treatment Plant.

FISCAL IMPACT: No fiscal impact at this time. Staff will return to Council requesting authorization to execute a professional services agreement with the successful firm.

FUNDING AVAILABLE: Not applicable.



Richard C. Prima, Jr.
Public Works Director



Chapter 4 *Conjunctive Management and Groundwater Storage*

Conjunctive management is the coordinated operation of surface water storage and use, groundwater storage and use, and conveyance facilities to meet water management objectives. Although surface water and groundwater are sometimes considered to be separate resources, they are connected by the hydrologic cycle. Conjunctive management allows surface water and groundwater to be managed in an efficient manner by taking advantage of the ability of surface storage to capture and temporarily store storm water and the ability of aquifers to serve as long-term storage.

There are three primary components to a conjunctive management project when the primary objective is to increase average water deliveries. The first is to recharge groundwater when surface water is available to increase groundwater storage (see Box 4-1). In some areas this is accomplished by reducing groundwater use and substituting it with surface water, allowing natural recharge to increase groundwater storage (also called in-lieu recharge). The second component is to switch to groundwater use in dry years when surface water is scarce. The third component is to have an ongoing monitoring program to evaluate and allow water managers to respond to changes in groundwater, surface water, or environmental conditions that could violate management objectives or impact other water users. Together these components make up a conjunctive management project. Conjunctive management projects may have other objectives in place of or in addition to improving average water deliveries. These other objectives may include improving water quality, reducing salt water intrusion, and reducing groundwater overdraft.

Other topics in the Water Plan that are related to conjunctive management include the strategies on Groundwater Remediation / Aquifer Remediation, Recharge Areas Protection, Water Transfers, and System Reoperation.

Conjunctive Management in California

Conjunctive management has been practiced in California to varying degrees since the Spanish mission era. The first known artificial recharge of groundwater in California occurred in Southern California during the late 1800s and is now used as a management tool in many areas. Two examples illustrate the types of conjunctive management under way on a regional and local scale. In Southern California, including Kern County, conjunctive management has increased average-year water deliveries by more than 2 million acre-feet (AGWA, 2000). Over a period of years, artificial recharge in these areas has increased the water now in groundwater storage by about 7 million acre-feet.

Box 4-1 Groundwater Recharge

Groundwater recharge is the movement of surface water from the land surface, through the topsoil and subsurface, and into de-watered aquifer space. Recharge occurs naturally from precipitation falling on the land surface, from water stored in lakes, and from creeks and rivers carrying storm runoff. Recharge also occurs when water is placed into constructed recharge ponds (also called spreading basins), when water is injected into the sub-

surface by wells, and when water is released into creeks and rivers beyond what occurs from the natural hydrology (for example, by releases of imported water). These later examples of recharge are often called artificial, intentional, managed or induced recharge. Significant amounts of recharge can also occur either intentionally or incidentally from applied irrigation water and from water placed into unlined conveyance facilities.

WOODBIDGE IRRIGATION DISTRICT**18777 N. LOWER SACRAMENTO ROAD****WOODBIDGE, CALIFORNIA 95258****[209] 369-6808****FAX: 369-6823**

DIRECTORS

WILLIAM STOKES
PRESIDENT**ED LUCCHESI**
VICE PRESIDENT**BILL SHINN**
AVERY McQUEEN
HENRY P. VAN EXEL**ANDERS CHRISTENSEN**
MANAGER
SECRETARY / TREASURER**JIM SHULTS**
SUPERINTENDENT**RECEIVED**

MAY 8 2006

**CITY OF LODI**

PUBLIC WORKS DEPARTMENT

RECEIVED

MAY - 8 2006

City Clerk
City of Lodi

Friday, May 5, 2006

Susan Hitchcock, Mayor
c/o City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910

Dear Mayor Hitchcock,

The Woodbridge Irrigation District recently passed Resolution 03-09-06-01 authorizing an amendment to extend the 2003 Lodi Water Sale Agreement for four additional years to allow Lodi to develop its plan to use the 6,000 acre feet of water without losing banked water. Under the amendment, a total of 42,000 acre feet of water could be banked and the contract is extended from May 13, 2043 to September 30, 2047. The Resolution passed recognizes Lodi's need of up to four years to construct a new 10 MGD surface water treatment plant and stated,

"the District also believes strongly that the highest and best use of water by the City would be through a new surface water treatment plant and delivery to the City's customers rather than through ground water recharge".

The water sold to Lodi comes from the District's pre-1914 water rights not subject to California Legislative or State Water Resource Control Board (SWRCB) control. If this water is placed in the ground, State agencies such as the SWRCB and its Regional Water Quality Control Board could possibly assert authority to control of recharged waters. Such waters may be subject to State control and therefore do not have the same priority as the pre-1914 water used directly by the 'treat and drink' option. In WID's opinion, Lodi's use of the water under the treatment plant option has the highest priority and such use would not be subject to a future entanglement in the event of an adjudication of the ground water basin or in disputes with landowners regarding changes to ground water levels or quality. Lodi's use of water through the proposed treatment plant would strengthen its long term water rights into the future as state regulators add new regulations and the competition for limited water intensifies.

We are proud to announce that WID plans to build a new state of the art fish screen that further serves to enhance and protect WID's rights to divert water from the Mokelumne and would serve Lodi's long-term interests as well. The estimated \$3 million dollar

Susan Hitchcock, Mayor
Friday, May 5, 2006

investment in the new screen will meet the current standards for fish screen as regulated by the California Department of Fish & Game (CDFG) and NOAA Fisheries for the protection and preservation of fish for all life stages, particularly steelhead and salmon. The District will continue to make sound investments in its infrastructure in anticipation of being able to provide for the future urban and agricultural needs of Lodi and the surrounding area

Sincerely,

A handwritten signature in black ink, appearing to read 'William Stokes', with a long, sweeping horizontal stroke extending to the right.

William Stokes, President

Cc: Lodi City Council\
Richard Prima, Director of Public Works
WID Board of Directors

Enc: WID Resolution 03-09-06-01

RESOLUTION NO. 03-09-06-01
OF WOODBRIDGE IRRIGATION DISTRICT
AUTHORIZING EXECUTION OF AN AMENDMENT EXTENDING THE
AGREEMENT WITH LODI FOR ADDITIONAL FOUR YEARS

WHEREAS. The City of Lodi has requested that its 40-year Agreement for Purchase of Water from the District, entered into on May 13, 2003, be extended for an additional four years, and also that the City be allowed to continue to bank unused water for an additional four years beyond the existing cutoff date of May 13, 2006; and

WHEREAS, the Board of Directors of the District are agreeable to granting such extension in the form of an Amendment as finally approved by the President; and

WHEREAS, the Board of Directors also wishes to inform Lodi that the District believes strongly that the highest and best use of the water by the City would be through a new surface water treatment plant and delivery to the City's customers rather than through groundwater recharge;

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF WOODBRIDGE IRRIGATION DISTRICT, as follows:


Section 1. The President and Secretary are authorized and directed to execute a First Amended Agreement with the City of Lodi, to extend the termination date of the Agreement from May 13, 2043 to September 30, 2047, and to allow the City to continue to bank unused water up to 6,000 acre-feet per annum for an additional four years from May 13, 2006 to October 15, 2010, not to exceed a total of 24,000 acre feet. The First Amended Agreement shall in form and substance as recommended by the Manager and Attorney and approved by the President.

ADOPTED the 9th day of March, 2006, by the following vote:

AYES: Directors Stokes, Shinn, Van Exel and McQueen

NOES: None

ABSENT: Luchessi

Signed: 
William Stokes, President

Attest: 
Anders Christensen, Secretary



DIRECTORS
John Ferreira
Thomas Hoffman
Joe Mehrten
Matthys Van Gaalen
Fred Weybret

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

GENERAL MANAGER
Edward M. Steffani

LEGAL COUNSEL
Stewart C. Adams, Jr.

June 12, 2006

Mayor Susan Hitchcock
City Council Members
City of Lodi
221 West Pine Street
Lodi, CA 95240

SUBJECT: Groundwater Recharge

Dear Mayor Hitchcock and Council Members,

We are writing to thank you for postponing your water treatment plant decision until the District could complete its recharge test on the Micke Trust Property, and to sadly report that the late rains and the tenant's need to plant a vineyard have made early completion of the test improbable.

The District Board understands the City's need to move ahead with the treatment plant decision, and we ask only that the plant be sized to allow for combination treatment and recharge projects in cooperation with the District.

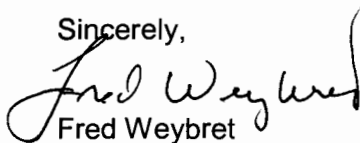
The District has a right to 20,000 acre-feet per year of Mokelumne River water but only uses 3,000. The remaining 17,000 acre-feet are available for City treatment and/or recharge. Although not available every year, the water can be diverted from December 1st to November 15th. Including the 1987 – 1992 drought, water has been available 75% of the last 29 years.

It is the District's understanding that the Woodbridge Irrigation District water is available to the City only during the irrigation season. The District water could be used by the City during the other months of normal and wet years, and the District water would be available at virtually no cost to the City.

We agree with Public Works Director Prima that the Micke Trust Land is not the only promising site for recharge. We would like to work with him to find sites which could benefit the City and District.

We would be pleased to meet at any time to discuss use of District water for City treatment and for recharge projects.

Sincerely,



Fred Weybret
President

FW:bs

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
INITIATING DIRECT USE OF THE WOODBRIDGE
IRRIGATION DISTRICT CONTRACTUAL ALLOTMENT
AND AUTHORIZING SOLICITATION OF PROPOSALS
FOR TECHNICAL STUDIES

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby initiates direct use of the Woodbridge Irrigation District 6,000 acre-feet contractual allotment, and further authorizes solicitation of Proposals for technical studies.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolutions approving the 2006-07 Financial Plan and Budget and the 2006-07 Appropriations Spending Limit

MEETING DATE: June 21, 2006

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: City Council adopt Resolutions approving the 2006-07 operating budget in the amount of \$200,056,988 and the Appropriations Spending Limit for 2006-07 of \$68,905,066.

BACKGROUND INFORMATION: The budget document for 2006-07 as presented at the May 31, 2006 Special Council meeting and as available in the City Clerk's office and on the City of Lodi web site, is to be considered for approval on June 21, 2006 at the regular City Council meeting. The budget as presented to City Council has been summarized in the two Resolutions to be considered for approval by City Council. The Resolutions reflect comments and direction that City staff received at the Council meetings of May 31, 2006 and June 7, 2006 and incorporate some adjustments from the amounts included in the draft budget document. Those adjustments and a summary of the discussion items will be presented at the meeting on June 21, 2006. Staff recommends that City Council approve the 2006-07 budget as presented in the Resolutions and direct staff to prepare a final budget document that reflects the budget as approved by the City Council.

FISCAL IMPACT: Not applicable

FUNDING AVAILABLE: Not applicable

James R. Krueger
Deputy City Manager

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING THE 2006-07
OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE FISCAL YEAR
BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007, AND FURTHER
APPROVING THE 2006-07 APPROPRIATIONS SPENDING LIMIT

=====

WHEREAS, the City Manager submitted the 2006-07 balanced Operating and Capital Improvement Budget to the City Council on May 31, 2006; and

WHEREAS, the 2006-07 Operating and Capital Improvement Budget was prepared in accordance with the City Council's goals, budget assumptions, and policies; and

WHEREAS, the City Council conducted public budget meetings on May 31, June 6 and June 7 at the Carnegie Forum; and

WHEREAS, the City Council is required to adopt the Appropriations Spending Limit for 2006-07; and

WHEREAS, the Appropriations Spending Limit and the annual adjustment factors selected to calculate the Limit are part of the Financial Plan and Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

1. That the 2006-07 Operating and Capital Improvement Budget, as proposed by the City Manager and amended by the City Council (with the exclusion of the Lodi Conference and Visitors Bureau element, voted on separately and reflected in Resolution 2006-_____), be approved as follows:

	Budget
General Fund	
Police	14,339,871
Fire	8,701,513
Public Works	3,983,531
Parks and Recreation	3,963,715
Community Center	1,433,542
City Clerk	607,565
City Manager	4,466,835
City Attorney	465,572
Non-Departmental	5,967,286
Total General Fund	43,929,430
Electric Utility Fund	70,553,889
Water Utility Fund	12,984,844
Wastewater Utility Fund	40,657,024
Library Fund	1,711,336
Community Development Fund	2,127,951
Streets Fund	8,295,118
Transit Fund	4,721,928
Benefits Fund	6,034,652
Self Insurance Fund	2,933,518
Capital Outlay Fund	1,557,836
Debt Service Fund	1,771,653
Equip and Vehicle Replacement Fund	360,000
Fleet Services Fund	1,779,929
Transportation Development Act	288,780
Agency	255,000
Total All Funds	199,962,888

2. That the funds for the 2006-07 Operating Budget are appropriated as summarized in the document on file in the City Clerk's Office; and
3. That the Appropriations Spending Limit be increased by \$2,822,948 from the 2005-06 level of \$66,082,118 to the 2006-07 level of \$68,905,066.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006- was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-07 FINANCIAL PLAN AND BUDGET

APPROPRIATIONS SPENDING LIMIT

2006-07 APPROPRIATIONS SPENDING LIMIT

				AMOUNT
Last Year's Limit				66,082,118
Adjustment Factors				
1	Population %	1.0030		
2	Inflation %	1.0396		
Total Adjustment %				1.0427
Annual Adjustment				2,822,949
Adjustments				None
Total Adjustments				2,822,949
2006-07 APPROPRIATIONS SPENDING LIMIT				68,905,066

2006-07 APPROPRIATIONS SUBJECT TO LIMITATION

		AMOUNT
PROCEEDS OF TAXES		34,165,830
EXCLUSIONS		-
APPROPRIATIONS SUBJECT TO LIMITATION		34,165,830
CURRENT YEAR LIMIT		68,905,066
OVER(UNDER) LIMIT		(34,739,236)

EXHIBIT F

Calculation - Proceeds of Taxes

City of Lodi
Fiscal Year 06-07

REVENUE	PROCEEDS OF TAXES	NON-PROCEEDS OF TAXES	TOTAL
TAXES:			
Property Taxes	8,382,708		8,382,708
Sales & Use Tax	10,380,701	350,494	10,731,195
Business License Tax	1,104,872		1,104,872
Franchise Tax	1,075,616		1,075,616
Transient Occupancy Tax	392,122		392,122
Real Property -Documentary Tax	240,000		240,000
In-Lieu Franchise Tax	8,679,485		8,679,485
FROM STATE			
Motor Vehicle In Lieu	3,891,405		3,891,405
State H-way Maintenance		4,053	4,053
Gas Tax		1,136,000	1,136,000
Cigarette tax			0
Transportation Development Act		2,151,878	2,151,878
TDA -Pedestrian/Bike Path		48,000	48,000
SB 300 Transportation Partnership		0	0
Measure K Funds		6,600,000	6,600,000
State Reimbursements-POST		36,765	36,765
Public Library grants		63,000	63,000
PERS Rebate		0	0
SB90 Reimbursements		40,000	40,000
Asset Seizure Funds/Auto Theft		0	0
Drug Suppression Grant		125,617	125,617
State special grants		293,600	293,600
State STIP reimbursement		0	0
LOCALLY RAISED			
Fines, Forfeitures, Penalties		1,336,175	1,336,175
Licenses and permits		1,185,588	1,185,588
Rent of City Property		363,193	363,193
Development Fees		3,365,000	3,365,000
USER FEES			
(from Exhibit E)	0	2,425,255	2,425,255
OTHER MISCELLANEOUS			
Sale of Property		26,437	26,437
Restitution-Damage to Property		25,000	25,000
Other revenue		413,086	413,086
Interfund Transfers		5,279,931	5,279,931
SUB-TOTAL (for Exhibit G)	34,146,909	25,269,072	59,415,981
INTEREST EARNINGS			
(from Exhibit G)	18,921	14,001	32,922
TOTAL REVENUE (use for Exhibit C)	34,165,830	25,283,073	59,448,903
RESERVE WITHDRAWALS			
(Including appropriated Fund Balance)			0
TOTAL OF THESE FUNDS			59,448,903
OTHER FUNDS NOT INCLUDED			136,473,781
GRAND TOTAL BUDGET			195,922,684

EXHIBIT G

Interest Earnings
Produced by TaxesCity of Lodi
Fiscal Year 06-07

	AMOUNT	SOURCE
A. NON-INTEREST TAX PROCEEDS	34,146,909	^(Exhibit F)
B. MINUS EXCLUSIONS	0	(Exhibit D)
C. NET INVESTED TAXES	34,146,909	(A-B)
D. TOTAL NON-INTEREST BUDGET	59,415,981	^(Exhibit F)
E. TAX PROCEEDS AS PERCENT OF BUDGET	57.47%	(C/D)
F. INTEREST EARNINGS	32,922	
G. AMOUNT OF INTEREST EARNED FROM TAXES	18,921	(E*F)
H. AMOUNT OF INTEREST EARNED ON NON-TAXES	14,001	(F-G)
I. Take the result of steps #G & H Copy on to Exhibit F		

EXHIBIT C

APPROPRIATIONS SUBJECT TO LIMITATION

City of Lodi
Fiscal Year 06-07

	AMOUNT	SOURCE
A. PROCEEDS OF TAXES	34,165,830	(Exhibit F)
B. EXCLUSIONS	0	(Exhibit D)
C. APPROPRIATIONS SUBJECT TO LIMITATION	34,165,830	(A-B)
D. CURRENT YEAR LIMIT	68,905,066	(Exhibit A)
E. OVER(UNDER) LIMIT	(34,739,236)	(C-D)

$$\frac{34,165,830}{68,905,066} = 49.58\%$$

City of Lodi
Appropriations Spending Limit
Growth Factors/Calculations

EXHIBIT B

GROWTH FACTORS:		%Increase	%Increase
Fiscal Year	Per Capita Income	City Population	County Population
87-88	3.47	5.72	3.33
88-89	4.66	4.96	3.32
89-90	5.19	2.52	2.20
90-91	4.21	2.26	2.23
91-92	4.14	1.19	2.64
92-93	-0.64	0.97	2.41
93-94	2.72	0.73	2.13
94-95	0.71	0.51	1.57
95-96	4.72	1.31	1.59
96-97	4.67	1.68	1.85
97-98	4.67	0.70	1.21
98-99	4.15	1.16	1.47
99-00	4.53	1.94	1.44
00-01	4.91	1.29	1.78
01-02	7.82	1.90	2.71
02-03	-1.27	2.14	3.07
03-04	2.31	1.69	2.86
04-05	3.28	0.75	2.54
05-06	5.26	0.96	2.65

CALCULATIONS:			
Fiscal Year	Calculation		Appropriation Spending Limit
87-88	1.0347 x 1.0572 = 1.0939 1.0939 x \$22,654,787	=	\$24,782,072
88-89	1.0466 x 1.0496 = 1.0985 1.0985 x \$24,782,072	=	\$27,223,106
89-90	1.0519 x 1.0252 = 1.0784 1.0784 x \$27,223,106	=	\$29,357,398
90-91	1.0421 x 1.0226 = 1.0657 1.0657 x \$29,357,398	=	\$31,286,179
91-92	1.0414 x 1.0264 = 1.0689 1.0689 x \$31,286,179	=	\$33,441,797
92-93	.9936 x 1.0241 = 1.0175		

	1.0175 x 33,441,797	=	\$34,027,028
93-94	1.0272 x 1.0213 = 1.0491 1.0491 x 34,027,028	=	\$35,697,755
94-95	1.0071 x 1.0157 = 1.0229 1.0229 x 35,697,755	=	\$36,515,234
95-96	1.0472 x 1.0131 = 1.0609 1.0609 x 36,515,234	=	\$38,739,012
96-97	1.0467 x 1.0168 = 1.0643 1.0643 x 38,739,012	=	\$41,229,332
97-98	1.0467 x 1.0070 = 1.0540 1.0540 x 41,229,332	=	\$43,456,825
98-99	1.0415 x 1.0116 = 1.0536 1.0536 x 43,456,825		\$45,785,303
99-00	1.0453 x 1.0194 = 1.0656 1.0656 x 45,785,303		\$48,787,849
00-01	1.0491 x 1.0129 = 1.0626 1.0626 x 48,787,849		\$51,843,597
01-02	1.0782 x 1.0190 = 1.0987 1.0986858		\$56,959,824
02-03	.9873 x 1.0214 = 1.00843 1.00842822		\$57,439,894
03-04	1.0231 x 1.0169 = 1.0404 1.04039039		\$59,759,913
04-05	1.0328 x 1.0075 = 1.040546 1.040546		\$62,182,939
05-06	1.0526 x 1.0096 = 1.06270496 1.06270496		\$66,082,118
06-07	1.0396 x 1.0030 = 1.0427188 1.0427188		\$68,905,066

05-06 Appropriations Subject to Limit:

<u>\$34,165,830</u>	=	49.58%
\$68,905,066		

EXHIBIT A

City of Lodi
 Appropriations Spending Limit
 Fiscal Year 06-07

			Amount	Source
A.	Last Year's Limit		66,082,118	
B.	Adjustments Factors			
	1	Population %	1.003	(Exhibit B)
	2	Inflation %	1.0396	(State Finance)
	Total Adjustment %		1.0427	(B1*B2)
C.	Annual Adjustment		2,822,949	(B*A)
D.	Other Adjustments		None	
E.	Total Adjustments		2,822,949	(C+D)
F.	This Year's Limit		68,905,066	(A+E)

EXHIBIT D**EXCLUDED APPROPRIATIONS**

City of Lodi
Fiscal Year 06-07

CATEGORY		Amount
COURT ORDERS		
	Subtotal	None
FEDERAL MANDATES		
	Subtotal	None
QUALIFIED CAPITAL OUTLAYS		
	Subtotal	None
QUALIFIED DEBT SERVICE		
	Subtotal	None
TOTAL EXCLUDABLE		None

(Copy to Exhibit C & G)

City of Lodi
Schedule to Match User Fees to Costs
Fiscal Year 06-07

EXHIBIT E

	User Fee Collections	Cost Associated With User Fees	Amount in Excess of User fees
Public Safety Fees	264,895	22,831,516	0
Parks and Recreation Fees	882,059	3,963,714	0
Community Center Fees	339,000	1,433,542	0
Community Development Fees	625,301	2,127,951	0
PW Engineering Fees	264,000	1,668,064	0
Administrative Fees	-	19,616,012	0
Library Fees	50,000	1,711,336	0
Total	2,425,255	53,352,135	0

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING FUNDING
IN THE AMOUNT OF \$94,100 TO THE LODI CONFERENCE AND
VISITORS BUREAU FOR FISCAL YEAR 2006-07
=====

WHEREAS, the City Manager submitted the 2006-07 balanced Operating and Capital Improvement Budget to the City Council on May 31, 2006; and

WHEREAS, the Lodi City Council approved the 2006-07 Operating and Capital Improvement Budget at its meeting of June 21, 2006 (Resolution 2006-_____) with the exclusion of the Lodi Conference and Visitors Bureau element.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi that it hereby approves funding in the amount of \$94,100 to the Lodi Conference and Visitors Bureau for fiscal year 2006-07.

Dated: June 21, 2006
=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider Adoption of Resolution Affirming July 1 Opening and October 1 Closing Date for Filing Applications for Residential Allocations Under the Lodi Growth Management Ordinance.

MEETING DATE: June 21, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council adopt Resolution affirming July 1 Opening and October 1 Closing Date for Filing Applications for Residential Allocations under the Lodi Growth Management Ordinance.

BACKGROUND INFORMATION: The Lodi City Council established the opening and closing dates for Growth Management Allocation Applications in 1991 through Resolution 91-171 (Exhibit A). Resolution 91-171 provides that applications may not be filed until July 1 of each year, and that the application period closes on October 1 of each year. Subsequent to the passage of Resolution 91-171, former City staff working with the development community, established a new timeline for filing growth management applications, moving the closing date up to May 31. This new process was never codified in a new Council resolution, instead being imposed solely at the staff level upon staff authority. However, staff has no authority to contravene the express will of the Council as codified in a Resolution without seeking Council authority.

One could argue that such authority was later granted by Council through the passage of the 2003 Housing Element Update. The Housing Element update states:

A constraint unique to Lodi is that development plans may only be submitted during the month of May, the deadline for obtaining a housing unit allocation under the City's growth management process. If the deadline is missed, projects have to wait another year before submitting applications and the review process can begin again. The City could mitigate this constraint by providing a process whereby allocations would be approved at least semi-annually or quarterly during years when the number of allocations that can be granted are not exhausted in May. . . .For developers knowledgeable of the City's residential permit allocation process, the annual process (once per year in May) does not present a serious time constraint or delay because such developers plan their applications submittals to the City to account for the timing of the allocation, and the development plan review occurs as part of the allocation process (2003 Housing Element Update P.III-34 to 35 - marked as Exhibit B).

However, the affirmation of this change was not explicitly brought to the Council's attention, instead being presented as the established policy. For this reason, staff felt it important to bring the question back to Council for a final resolution.

APPROVED:

Blair King, City Manager

Resolution 91-171 also sets a number of other follow-up deadlines to the growth management allocation process. However, the follow-up dates are not established in writing or in any remaining oral history of the Community Development Department for the Staff Policy. Nor are any of these follow-up dates reflected in the 2003 Housing Element Update.

	<u>Resolution No. 91-171</u>	<u>Staff Policy</u>
Determination of Completeness of Application	November 1	?
Initial Study under CEQA	December 1	?
Complete Draft EIR, if required	March 1	?
EIR Public Comment Close	April 15	?
Final EIR	May 1	?

None of the above timetables are workable where an EIR is required (which is the case with two of the projects currently being processed by staff). Staff has been informed by outside consultants that the minimum time frame for a draft EIR is six months and more likely nine months. Moreover, the 15 days provided before bringing the EIR to Council for certification does not provide adequate time to analyze and respond to public comment or bring the EIR to Planning Commission for a recommendation. As such a new process is needed.

Accordingly, staff recommends that the Council affirm the timelines set forth in Resolution No. 91-171 and direct staff to work with the development community to establish a new timeline for Council approval. This change would not be a significant change to our housing element or affect its certification negatively because it is a one-time change that will not slow the annual allotment of housing other than in one year.

FISCAL IMPACT:

Stephen Schwabauer, City Attorney

RESOLUTION NO. 91-171
=====

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING GUIDELINES, CONTENTS, AND TIME FRAMES
OF AND FOR DEVELOPMENT PLANS
=====

WHEREAS, Ordinance No. 1521, adopted by the City Council on September 18, 1991 provides that a "Development Plan" shall be submitted for all tentative maps, parcel maps and other approvals under the Subdivision Map Act; and

WHEREAS, Ordinance No. 1521 further provides that the format and contents of such development plans shall be established by Council resolution;

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the following shall apply to Development Plans:

A. Development Plan: Contents.

A development plan shall include:

1. A map showing any street system and/or lot design proposed within the development. Any area proposed to be dedicated or reserved for parks, open-space conservation, playgrounds, school sites, public buildings, churches and other such uses *must* be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with City and State Subdivision regulations or any other applicable local or state laws.

2. A map showing the location of all trees over nine (9) inches in diameter with an indication of removal or incorporation into project design.
3. If required by the Community Development Department, a map showing the topography (with contour lines at one-foot intervals) shall be provided by the applicant. The map shall indicate the proposed elevations at the project boundaries and adjacent waterways;
4. The applicant shall provide a land-use plan for the proposed development indicating the areas to be used for the various purposes; a land-use map showing existing uses within the development and uses (including agricultural uses) within five hundred feet of the proposed development;
5. A plot plan for each building site or sites, except single-family residents on standard lots in the proposed development or any other portion thereof as required by the Community Development Department. A plot plan shall show the approximate location of all proposed buildings, indicate maximum and minimum distances between buildings and between buildings and property or building site lines;
6. Any or all of the following plans and diagrams may also be required to be included on the plot plan or appended thereto:
 - (a) Off-street parking and loading plan.

- (b) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development and to and from adjacent public thoroughfares.
- 7. Elevations or perspective drawings of all proposed structures, except single-family residences and their accessory buildings. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with the surrounding developments;
- 8. Engineering data as described in the City of Lodi Public Improvement Design Standards.

B. Development Schedule.

- 1. An application shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development and the completion date. The development schedule, if approved, shall become a part of the development plan and shall be adhered to by the owner or owners of the property and his successors in interest.

2. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedules.
3. If, in the opinion of the Planning Commission, the owner or owners of property are failing or have failed to meet the approved schedule, the Planning Commission may initiate proceedings to amend or revoke the approval of the development plan.
4. If the Tentative Subdivision Map is not filed one year after approved, the Planning Commission may forfeit the approved allocations to the next project on the list.
5. If the Planning Commission determines that a proposed Development Plan will require multi-year allocation to complete, each year of the development schedule shall be approved for a stated number and type of residential units.
6. Tentative Subdivision Maps will not be accepted until the Planning Commission has approved the Development Plan and Development Schedule and allocated the number of units either on a single-year or multi-year basis. The City may require individual tentative maps for each year's phasing of multi-year allocations.

C. Applications for Allocation: Time.

1. The application period for allocation of residential units in the City shall open July 1 and close October 1 of each year.

2. The City shall make a Determination of Completeness by November 1 of the same year.

3. An Initial Study under the California Environmental Quality Act shall be completed and a preliminary point score evaluation of the project, utilizing the criteria adopted by Council resolution hereunder, shall be done by the City no later than December 1.

4. On or before the following March 1, a Draft Environmental Impact Report (if required) shall be completed.

5. The period for public review/comment on the Draft Environmental Impact Report shall end April 15 and the final Environmental Impact Report completed by May 1.

6. The Planning Commission and City Council shall thereafter, not later than July 1, conduct all necessary public hearings and reviews of the proposed projects, and shall approve or deny such proposals.

7. Based on such hearings/reviews and by reference to the point system evaluation described in this Chapter, the City Council shall, not later than September 30, allocate approvals of residential units. Thereafter, applicant shall submit a tentative map for a project, utilizing the number of allocated units awarded for each year.

Dated: September 4, 1991

=====

I hereby certify that Resolution No. 91-171 was passed and adopted by the Lodi City Council in a regular meeting held September 4, 1991 by the following vote:

Ayes: Council Members - Pennino, Pinkerton, Sieglock, Snider
and Hinchman (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Alice M. Reimche
City Clerk

91-171

RES91171/TXTA.02J

2003-2009 HOUSING ELEMENT

CITY OF LODI



Site Plan and Architectural Review is facilitated by the Site Plan and Architectural Approval Committee, which was established to assist the Planning Commission in reviewing site plans and architectural drawings. Four of the five members are appointed by the Mayor, while the fifth member is the Vice-Chair of the Planning Commission. The decision issued by the Site Plan and Architectural Review Committee is appealable to the City Planning Commission. The City's Planning Commission is the final regulatory authority that issues decisions on most developments within the City.

Applicants are required to submit the following information to the City for Committee review:

- Siting of structures so as to preserve light and air on adjoining properties;
- Landscaping and/or fencing of yards and setback area, use of landscaping and/or wall or fencing for screening purposes;
- Design of ingress and egress;
- Off-street parking and loading facilities;
- Drawings or sketches of the exterior elevations; and
- Designation of location of existing fire hydrants.

These requirements are relatively easy to meet and do not add significantly to the cost or time required for site plan review.

The Committee may approve, disapprove, or conditionally approve a project subject to compliance with modifications or conditions it deems necessary to comply with the City's zoning code standards. The Committee has up to 21 days to make a decision. Upon approval of submitted plans, or at the expiration of twenty-one days, the City's issues building permit, provided that all building code requirements have been met and the applicant does not need a use permit (which triggers Planning Commission review).

The Committee's decision may be appealed to the Planning Commission. Appeals must be filed within five working days of the Committee's decision.

Project Approval Timeframes

A typical residential subdivision takes approximately four to five months to be approved through the required steps of the development plan review process. If the project is subject to compliance with the California Environmental Quality Act, an additional four to five months may be required to obtain all necessary project approvals.

Development of multifamily housing units is subject to review by the Site Plan and Architecture Approval Committee. It takes approximately eight weeks to complete staff review before the development can be submitted to the committee. Smaller developments in the City such as one single family home or two- to four-unit multifamily structures are only required to obtain building permits, which takes significantly less of time than the site plan and architectural review process.

A constraint unique to Lodi is that development plans may only be submitted during the month of May, the deadline for obtaining a housing units allocation under the City's growth management process. If the deadline is missed, projects have to wait another year before submitting applications and the review process can begin again. The City could mitigate this constraint by providing a

process whereby allocations could be approved at least semi-annually or quarterly during years when the number of allocations that can be granted are not exhausted in May.

Table III-10: Development Approval Timeframes

Development Permit/Review Process	Time Frame
Administrative Deviation	2-3 weeks
Use Permit	4 weeks
Tentative Tract Map	4 weeks
Development Plan Review	4-5 months
General Plan Amendment/Rezone	6 weeks
Environmental Review (EIR)	5 months
Appeal to Planning Commission	4 weeks
Appeal to City Council	4 weeks

Source: City of Lodi, 2003

A typical single-family development will require a residential allocation, tentative and final tract map, environmental review (Negative Declaration or EIR), Planning Commission review, City Council review (if a Planning Commission decision is appealed), and construction permits (building, grading, etc.). From start to finish, the process will typically take six to 12 months. A large or complex project, particularly one triggering state or federal environmental mandates, can take longer.

A typical multi-family project will require a residential allocation, use permit, environment review, development plan review, Planning Commission review, and City Council review (if a Planning Commission decision is appealed), and construction permits (building, grading, etc.). From start to finish, the process will typically take six to nine months. A large or complex project, particularly one triggering state or federal environmental mandates or an EIR, can take longer.

For developers knowledgeable of the City's residential permit allocation process, the annual process (once per year in May) does not present a serious time constraint or delay because such developers plan their applications submittals to the City to account for the timing of the allocation, and the development plan review occurs as part of the allocation process.

Use Permits

Chapter 17.72 of Lodi's Zoning Ordinance includes regulations and standards related to the granting of use permits. All developments requiring use permits are subject to the same review process, regardless of use. Residential uses required to obtain use permits in Lodi, depending on the zoning district (see Table X-1), include second units, family care homes, rest homes, convalescent homes, and mobile home/travel trailer parks.

Use permits are approved by the City's Planning Commission. The Commission must find that the proposed use will not be detrimental to the health, morals, comfort, or welfare of the citizens of the immediate, surrounding neighborhood and the City in general. These standards are typical

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AFFIRMING JULY 1 OPENING AND OCTOBER 1
CLOSING DATE FOR FILING APPLICATIONS FOR
RESIDENTIAL ALLOCATIONS UNDER THE LODI
GROWTH MANAGEMENT ORDINANCE

=====

WHEREAS, the Lodi City Council established the opening and closing dates for Growth Management Allocation Applications in 1991 by adopting Resolution 91-171 (Exhibit A); and

WHEREAS, Resolution 91-171 provides that applications may not be filed until July 1 of each year, and that the application period closes on October 1 of each year; and

WHEREAS, subsequent to the passage of Resolution 91-171, former City staff working with the development community, established a new timeline for filing growth management applications, moving the closing date up to May 31; and

WHEREAS, this new process was never codified in a new Council resolution, instead being imposed solely at the staff level upon staff authority; and

WHEREAS, Resolution 91-171 also sets a number of other follow-up deadlines to the growth management allocation process; and

WHEREAS, staff recommends that the City Council affirm the timelines set forth in Resolution No. 91-171 and direct staff to work with the development community to establish a new timeline for Council approval.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby affirm the timelines set forth in Resolution No. 91-171 and hereby directs staff to work with the development community to establish a new timeline for Council approval.

Dated: June 21, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 21, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-_____

RESOLUTION NO. 91-171
=====

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING GUIDELINES, CONTENTS, AND TIME FRAMES
OF AND FOR DEVELOPMENT PLANS
=====

WHEREAS, Ordinance No. 1521, adopted by the City Council on September 18, 1991 provides that a "Development Plan" shall be submitted for all tentative maps, parcel maps and other approvals under the Subdivision Map Act; and

WHEREAS, Ordinance No. 1521 further provides that the format and contents of such development plans shall be established by Council resolution;

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the following shall apply to Development Plans:

A. Development Plan: Contents.

A development plan shall include:

1. A map showing any street system and/or lot design proposed within the development. Any area proposed to be dedicated or reserved for parks, open-space conservation, playgrounds, school sites, public buildings, churches and other such uses *must* be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with City and State Subdivision regulations or any other applicable local or state laws.

2. A map showing the location of all trees over nine (9) inches in diameter with an indication of removal or incorporation into project design.
3. If required by the Community Development Department, a map showing the topography (with contour lines at one-foot intervals) shall be provided by the applicant. The map shall indicate the proposed elevations at the project boundaries and adjacent waterways;
4. The applicant shall provide a land-use plan for the proposed development indicating the areas to be used for the various purposes; a land-use map showing existing uses within the development and uses (including agricultural uses) within five hundred feet of the proposed development;
5. A plot plan for each building site or sites, except single-family residents on standard lots in the proposed development or any other portion thereof as required by the Community Development Department. A plot plan shall show the approximate location of all proposed buildings, indicate maximum and minimum distances between buildings and between buildings and property or building site lines;
6. Any or all of the following plans and diagrams may also be required to be included on the plot plan or appended thereto:
 - (a) Off-street parking and loading plan.

- (b) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development and to and from adjacent public thoroughfares.
- 7. Elevations or perspective drawings of all proposed structures, except single-family residences and their accessory buildings. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with the surrounding developments;
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2. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedules.
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Dated: September 4, 1991

=====

I hereby certify that Resolution No. 91-171 was passed and adopted by the Lodi City Council in a regular meeting held September 4, 1991 by the following vote:

Ayes: Council Members - Pennino, Pinkerton, Sieglock, Snider
and Hinchman (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Alice M. Reimche
City Clerk

91-171

RES91171/TXTA.02J



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$15,561.48).

MEETING DATE: June 21, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$9,014.50, and various other cases being held by Outside Counsel in the amount of \$6,546.98.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; and Kronick, Moskovitz, Tiedemann & Girard for services incurred relative to the Environmental Abatement Program litigation, and various other matters that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution				183453.7323
Matter No.	Invoice No.	Date	Description	Amount
	Withheld	Amounts	from Previous Invoices	
	94738	03/01/06		\$1,367.00
	94732	03/01/06		\$650.00
	93892	02/06/06		\$2,115.00
	93280	01/06/06		\$1,175.00
	92663	12/05/06		\$235.00
	6200	4/30/2006	Peter Krasnoff/WEST	1,037.50
			Total	\$6,579.50

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution				Total		
Invoice No.	Date	Description	Amount	100351.7323	183453.7323	
225700	05/25/06	General advice	603.07	603.07		
225700	05/25/06	ClaimsbyEnvironmentalConsult.	38.00		38.00	
225700	05/25/06	Lodi First v. City of Lodi	1,859.90	1,859.90		
225700	05/25/06	Citizens for Open Govt.v.Col	494.20	494.20		
225700	05/25/06	AT&T v. City of Lodi	3,589.81	3,589.81		
225700	05/25/06	Water Supply Issues	2,397.00		2,397.00	
			8,981.98	6,546.98	2,435.00	

FISCAL IMPACT: Expenses in the amount of \$2354.10 will be paid out of the General Fund and billed to Walmart for City's defense of the Lodi First and Citizens for Open Government litigation. The remaining expenses will be paid out of the Water Fund.

FUNDING AVAILABLE:

Water Fund	\$9,014.50
General Fund	\$6,546.98

Approved: _____
Ruby Paiste, Interim Finance Director

Approved: _____
Stephen Schwabauer, City Attorney

APPROVED: _____
Blair King, City Manager